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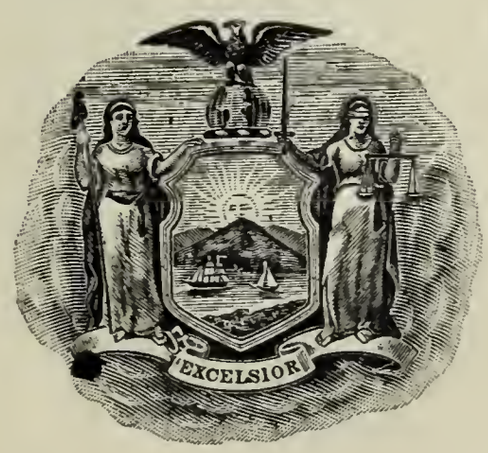
OF THE

STATE OF NEW YORK.

ONE HUNDRED AND THIRTY-FOURTH SESSION

1911.

VOL. IV.—No. 11.—PART 1.



ALBANY
J. B. LYON COMPANY, STATE PRINTERS
1911

STATE OF NEW YORK

FOURTH ANNUAL REPORT

OF THE

PUBLIC SERVICE COMMISSION

SECOND DISTRICT

FOR THE YEAR ENDED DECEMBER 31, 1910

COMMISSIONERS

FRANK W. STEVENS, Chairman
THOMAS M. OSBORNE [1]
MARTIN S. DECKER
JAMES E. SAGUE
JOHN B. OLMSTED
JOHN N. CARLISLE [2]

[1] Resigned February 1, 1910.

[2] Appointed February 1, 1910.

VOLUME I

ALBANY
1911

227127

ALBANY
J. B. LYON COMPANY, STATE PRINTERS
1911

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LETTERS OF TRANSMITTAL

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, *January 9, 1911.*

HON. THOMAS F. CONWAY,
Lieutenant-Governor,
Albany, N. Y.:

DEAR SIR: I have the honor to transmit herewith the report of the Public Service Commission, Second District, for the year ended December 31, 1910.

Very truly yours,
FRANK W. STEVENS,
Chairman.

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, *January 9, 1911.*

HON. DANIEL D. FRISBIE,
Speaker of the Assembly,
Albany, N. Y.:

DEAR SIR: I have the honor to transmit herewith the report of the Public Service Commission, Second District, for the year ended December 31, 1910.

Very truly yours,
FRANK W. STEVENS,
Chairman.

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION, SECOND DISTRICT

To the Legislature:

The Fourth Annual Report of the Public Service Commission, Second District, for the year ended December 31, 1910, is herewith submitted, pursuant to the requirements of the Public Service Commissions Law.

At the close of the year there were 944 corporations, municipalities, and individuals engaged in serving the public in some capacity, or incorporated for the purpose of rendering such service, that by operation of law placed them under the supervision of this Commission. The following is a classification of the same:

Steam Railroad Corporations:		
Operating	77	
Inchoate or dormant	19	
Lessor	88	
		184
Street Railroad Corporations:		
Operating	79	
Inchoate or dormant	33	
Lessor	17	
		129
Express Companies:		
Operating on steam and street railroads	7	
		7
Sleeping Car Company:		
Operating on steam railroads	1	
		1
Electrical Corporations:		
Operating	178	
Inchoate or dormant	9	
Lessor	4	
Individuals operating plants	67	
Municipalities operating plants	43	
		301

Coal Gas or Water Gas Corporations:

Operating	32	
Lessor	2	
Individual operating plant	1	
Municipality operating plant	1	
		36

Coal Gas or Water Gas and Electrical Corporations:

Operating	45	
Dormant	1	
Lessor	2	
Individual operating plant	1	
		49

Natural Gas Corporations:

Operating	43	
Lessor	2	
Individuals operating plants	10	
		55

Electrical and Natural Gas Corporations:

Operating	2	
		2

Coal Gas and Natural Gas Corporation:

Operating	1	
		1

Coal Gas and Natural Gas and Elcctrical Corporation:

Operating	1	
		1

Acetylene Gas Corporations:

Operating	18	
Individuals operating plants	10	
Municipalities operating plants	2	
		30

Gasoline Gas Corporations:

Operating	13	
Individuals operating plants	4	
Municipality operating plant	1	
		18

Gross total	814
Less duplication account corporations engaged as common carriers and also in lighting or power service, and account corporations required to file both lessor and lessee reports	15
	799

Telegraph Corporations:

Operating	10	
		10

Telephone Corporations and Persons:		
Operating	135	
		135
Total		944

The applications from corporations for various authorizations, permits, and the like, and complaints from individuals against corporations, received during the years 1908, 1909, and 1910, were as follows:

	1908	1909	1910
Formal complaints	252	532	345
Correspondence complaints	1147	1088	1452
Total number of complaints	1399	1620	1797
Applications from corporations	207	225	262
Total complaints and applications	1606	1845	2059
Total for three years			5510
Orders of Commission to show cause, etc.			26

The numbers of applications and complaints disposed of during the year are as follows:

Applications	273
Formal complaints	330
Correspondence complaints	1076
Orders to show cause	6
Total	1685

The total number of public hearings given by the Commission during the year was 554, an increase of 139 over the number for the year 1909. The number of days occupied in hearings was 196.

Expenses of the Commission.

The amounts actually expended by this Commission for all purposes whatsoever since its organization, July 1, 1907, to the close of the state fiscal year, September 30, 1910, are as follows:

For the first 15 months, July 1, 1907, to September 30, 1908	$307,734 05
For the fiscal year from October 1, 1908, to September 30, 1909	276,575 41
For the fiscal year from October 1, 1909, to September 30, 1910	295,443 08

The foregoing does not include the estimated amount of the State's share of expense incurred in grade crossing eliminations ordered by the Commission.

Appropriations for Fiscal Year Commencing October 1, 1910, and Ending September 30, 1911:

By chapter 512, laws of 1910	$327,330
By chapter 513, laws of 1910, for expenses required by Division of Telegraphs and Telephones	35,000

For salaries and traveling expenses, additional employees	$8,500
For investigation of calorific gas standards	2,000
Total	$372,830

There was also appropriated by the Legislature for the State's portion of the expense of grade crossing eliminations, under section 91 of the Railroad Law, the sum of $350,000, to be disbursed within the Second Public Service District.

Estimates for Fiscal Year Commencing October 1, 1911:

The following estimates have been submitted by this Commission to the proper state authorities, for expenses for the fiscal year commencing October 1, 1911:

Total expenses of Commission $393,537.50

The Commission has also asked this Legislature to appropriate for the purpose of defraying the State's share of grade crossing eliminations during that year the sum of $900,000.

This request was made not only in deference to the clear public demand therefor, as shown by the platforms of both of the leading political parties, but also as the best judgment of the Commission. It thoroughly believes that the policy of eliminating grade crossings should be pushed vigorously.

DIVISION OF LIGHT, HEAT, AND POWER

New Gas and Electric Plants: Below is given a list of corporations which have received permission to construct, the names of the communities in which their rights under franchises will be exercised, and the character of the service to be furnished by each. One municipality is included in the list, that of the Village of Port Byron, Cayuga county, which was given consent to build and operate an electric plant for other than municipal purposes.

Plant of	Locality.	Service.
Antwerp Light & Power Co	Antwerp	Electricity.
Cliff Electrical Distributing Co	Niagara Falls	Electricity.
Cherry Gas & Oil Co	Village and town of Hamburg	Natural gas.
Conant-Bryant Power Co	Wilson	Electricity.
Genesee Fruit Co	Bouckville	Electricity.
Gregory, A. W	Morristown	Electricity.
Hamburg Water & Elec. Light Co	Hamburg	Natural gas.
Islip Electric Light Co	Islip and East Islip	Electricity.

Plant of	Locality.	Service.
Livingston-Niagara Power Co	Towns of Avon, Caledonia, Geneseo, Lima, York, Mendon, Rush, and Wheatland, and village of Caledonia	Electricity.
Mohawk Hydro-Electric Co	Town of Ephratah	Electricity.
North Creek Electric Co	Town of Johnsburgh	Electricity.
Port Byron, village plant	Port Byron	Electricity.
Ridge Road Gas & Oil Co	Hamburg	Natural gas.
Snyder Gas Co	Snyder	Natural gas.
South Shore Gas Co	Babylon, Amityville, Farmingdale, and town of Babylon	Water gas.
Washburn, Israel C	Towns of Collins and North Collins	Natural gas.
Webb, Urban O	Edwards	Electricity.
North Syracuse Light & Power Co	North Syracuse	Electricity.

Of the above, the Cherry Gas and Oil Company, Hamburg Water and Electric Light Company, and The Ridge Road Gas and Oil Company will supply natural gas to the pipe lines of the United Natural Gas Company, which distributes and sells natural gas to several communities in Erie county.

Additional Franchises Exercised: Operating corporations applied for and received consent to the exercise of rights and privileges under new or dormant franchises as set forth in the following table, in which is also given the names of the towns and municipalities granting the franchises and the kind of service to be supplied.

Plant of	New franchise exercised.	Service.
Avon Electric Co	Geneseo	Electricity.
Brocton Gas & Fuel Co	Village of Brocton, town of Portland	Natural gas.
Corning Gas & Electric Co	Centerville and town of Corning	Gas and electricity.
Elmira Water, Lt. & R.R. Co	Towns of Elmira and Southport	Manufactured and natural gas and electricity.
Hannibal Electric Co	Towns of Horseheads, Veteran, and Montour	Electricity.
	Towns of Granby and Hannibal, and village of Hannibal	Electricity.

Plant of	New franchise exercised.	Service.
Hoosac River Elec. Lt. & Pr. Co....	Schaghticoke.....	Electricity.
Livonia Light & Heat Co.....	Towns of Livonia, Lima, and Avon.....	Electricity.
Mohawk Gas Co.....	Town of Niskayuna.....	Manufactured gas
Municipal Gas Co.....	Town of Bethlehem.....	Electricity.
Newark Gas Light & Fuel Co.....	Town of Arcadia.....	Manufactured gas
Newburgh Light, Heat & Pr. Co....	Towns of Gardiner, Montgomery, and Shawangunk, and village of Montgomery	Electricity.
New Light, Heat & Power Co.....	Town of Arcadia.....	Electricity.
Northern Power Co.....	Richville.....	Electricity.
Palmyra Gas & Electric Co.....	Town of Palmyra.....	Manufactured gas and electricity.
Peekskill Ltg. & R. R. Co.....	Town of Yorktown.....	Manufactured gas and electricity.
Port Jervis Light & Pr. Co.....	Town of Deerpark.....	Electricity.
Red Hook Light & Power Co.....	Towns of Germantown, Livingston, and Clermont...	Electricity.
Seeley, Mary E. and Chas. A.....	Candor.....	Electricity.
United Natural Gas Co.....	Blasdell.....	Natural gas.
Woodmancy, George B.....	East Randolph.....	Electricity.

Changes in Operation: The L. H. Gardiner Paper Company, operating an electric plant in Mumford, has discontinued furnishing electric service for general commercial purposes.

Through reorganization, the gas and electric plants heretofore operated in Port Jervis by the Port Jervis Electric Light, Power, Gas and Railroad Company are now owned and operated by the Port Jervis Light and Power Company.

The Peoples Gas and Electric Company, supplying gas and electricity in the city of Oswego, has merged the Citizens Lighting Company, an electrical corporation in the same city.

The Frost Gas Company, engaged in furnishing natural gas in Fredonia, Dunkirk, and Pomfret, has merged the Brocton Gas and Fuel Company, a corporation heretofore furnishing natural gas in Brocton.

The Palmyra Gas and Electric Company, supplying coal gas and electricity in Palmyra; the Newark Gas Light and Fuel Company, supplying coal gas in Newark; the New Light, Heat and Power Company, supplying electricity in Newark; the Lyons Gas Light Company, supplying coal gas in Lyons; and the Wayne County Electric Company, supplying electricity in Lyons and Clyde, have consolidated under the corporate name of Wayne County Gas and Electric Company.

The Montour Falls Electric Light Company, which heretofore has operated an electric light plant in Montour Falls, has been merged with the Elmira Water, Light and Railroad Company.

By sale of its electric plant to the Garner Print Works and Bleachery, which now operates same, the Village of Wappingers Falls has ceased to engage in the business of generating and selling electricity for municipal and other purposes.

Further changes in ownership and operation of plants have resulted from sales and transfers of works, systems, and franchises as follows: By Moritz Mayer to the Syracuse Lighting Company, an electric plant in Camillus and Solvay; by Stearns and Grader, a copartnership, to the United Natural Gas Company, natural gas facilities in Elma and Elma Center; by William Stock to the Hannibal Electric Company, an electrical transmission line and franchises in the towns of Granby and Hannibal and the village of Hannibal; by the Hannibal Electric Company to the Oswego River Power Transmission Company, the electrical transmission line and franchises last above mentioned, also its transmission line between the city of Fulton and the village of Hannibal and distributing system in Hannibal; by Economic Power and Construction Company to Geneva-Seneca Electric Company, its property, rights, and franchises in Geneva; by Charles P. Dickinson to Charles H. Stokes, electric plant and distribution system in Wawarsing, and to Arnold C. Dickinson his electric plant and distribution system in Hurley, Marbletown, and Rosendale; by Hallett Light and Power Company to Riverhead Electric Company, an electric plant and franchises in Riverhead; by Mohawk Hydro-Electric Company to Fulton County Gas and Electric Company, a franchise granted by town of Ephratah; by Elizabeth Pierce, Howard A. Pierce, and Laura S. Frank to the Howard A. Pierce Electric Light Company, electric plant and franchises in Water Valley and Hamburg; by A. Z. Wemple and J. S. Wilson to Cayadutta Generating Company, electric plant and distributing system and franchises in Fonda and Fultonville; by Marion Borden Halliday to Newburgh Light, Heat and Power Company, electric plant and distribution system and franchise in town of Shawangunk; by Lima-Honeoye Electric Light and Railroad Company to Lima-Honeoye Light Company, electric light plant and franchises in

Lima and Honeoye Falls; and by Walton Electric Light Company and Mulkins Electric Light Plant to Southern New York Power Company, electric plants and franchises in Walton.

Exercise of General Powers: By amendment to the Public Service Commissions Law, June 14, 1910, the Commission was given specific additional powers with respect to the filing, publication, and revision by gas corporations and electrical corporations of their rates, schedules, and contracts for service. Careful preparation for the proper exercise of this authority is under way. Following a hearing had September 7th, a joint committee was established, composed of three members of the staff of the Commission and seven representatives of the corporations, to study the question of gas and electric schedules and methods of charge and the filing of tariffs, and to report its conclusions to the Commission. Substantial progress has been made by the committee in its intricate work.

Among other general powers the Commission is charged with the duty of enforcing compliance with the prescribed standards of purity and illuminating power of gas. This the Commission endeavors to do by means of frequent inspections of the gas manufactured, distributed, or sold by every corporation and municipality, notifying the corporations of the results of each inspection, and in case of deficiencies requiring a report as to the cause and the means employed to prevent a recurrence. The results of these tests for the year are given in detail in pages following. In most instances this system of frequent inspection, exercised in each instance without warning, is sufficient, and for the most part the deficiencies that occur are intermittent and comparatively insignificant. On the part of a few corporations, however, there has been a serious and consistent default. Following the practice of last year, when the plants and methods of manufacture of thirty-three delinquent corporations were examined into and investigated and recommendations made of ways and means by which the service could be improved, similar action was taken this year, investigations being made into the facilities and methods employed by Bath Electric and Gas Light Company, Lyons Gas Light Company, Fulton Fuel and Light Company, Malone Light and Power Company, Watertown Light and Power Company, and The Owego Light and

Power Company. With respect to certain companies coöperation was without avail, and it became necessary finally to proceed drastically. In February, the Southern Dutchess Gas and Electric Company was summoned before the Commission and directed to improve the quality of its supply. Later, similar proceedings were had against the Lockport Light, Heat and Power Company; and on December 6th the Peoples Gas and Electric Company of Oswego; the Halfmoon Light, Heat and Power Company, Mechanicville; Newburgh Light, Heat and Power Company; Central New York Power Company of Canastota; Sea Cliff and Glen Cove Gas Company; Rome Gas, Electric Light and Power Company; Malone Light and Power Company; United Gas, Electric Light and Fuel Company of Sandy Hill and Fort Edward; Homer and Cortland Gas Light Company; Watertown Light and Power Company; Glens Falls Gas and Electric Light Company; and Waterville Gas and Electric Company appeared before the Commission in Albany upon orders to show cause why actions should not be begun against them to recover penalties. Satisfactory assurances being given by each of compliance hereafter with the standards, further proceedings were suspended pending results to be shown by future tests. The ability of the corporations to comply with the illuminating power and purity requirements may now be regarded as clearly established in the accumulated results of the periodic tests covering the past three years. Deficiencies, mainly, are the result of manufacturing or distributing conditions which ordinarily lie well within corporate means to correct, and their correction will be insisted upon.

Examinations with respect to safety of construction or operation were made of the high tension line of the Hudson Valley Railway Company running from Mechanicville to North Troy; of the series arc lighting system of the United Gas, Electric Light and Fuel Company in Hudson Falls; of the electrical distribution system of the Watertown Light and Power Company; the distribution system of the Port Jefferson Electric Light Company; the plant and system of the Delhi Electric Company; the plant and system of the Murray Electric Light and Power Company of Monticello; the high tension wires of the Utica Gas and Electric Company in the village of Ilion; the distribution lines of the Mexico Electric Company, and of the Worcester Electric Light Plant.

In this connection may be cited seven investigations made as the result of fatal accidents from electric shock occurring on the systems of the Niagara, Lockport and Ontario Power Company, Utica Gas and Electric Company, Nassau Light and Power Company, The Cortland County Traction Company, and the Chasm Power Company. The matter of the inspection of electrical distributing systems as to safety of construction has received close attention, and plans are in progress for a systematic inspection of all plants. As a preliminary step, electrical corporations have been required to report as to the joint use of overhead distributing systems with telephone, telegraph, railroad, and other companies, and as to rules and regulations in the premises.

Examinations were made into methods of manufacture or distribution with respect to adequacy of the gas and electric service furnished by the Oneonta Light and Power Company; the gas service furnished by the Pulaski Gas and Oil Company, Limited, at Port Ontario; the electric service furnished by Despatch Heat, Light and Power Company in the village of Victor; the electric service in Port Jefferson supplied by the Port Jefferson Electric Light Company; the gas supplied in Lyons by Lyons Gas Light Company; the electric service in Lyons and Clyde by the Wayne County Electric Company; the electric service supplied in Saugerties by Ulster Electric Light, Heat and Power Company; the electric service supplied in Canandaigua by the Ontario Light and Traction Company; the gas service furnished in the village of Kenmore and Tonawanda by Niagara Light, Heat and Power Company; and into the insufficient pressure at which gas is delivered in certain parts of the city of Troy by the Troy Gas Company. In each of the above matters, involving adequacy and safety of service, which demanded remedial action, the Commission required such reasonable improvements as were deemed necessary to promote the public interest, preserve the public safety, or to protect those using gas and electricity and those employed in the manufacture and distribution thereof.

Exercise of the general powers of supervision, as above, arises either upon the Commission's own motion or upon complaint filed; generally the latter. Difference between consumers, indi-

vidually and collectively, and gas corporations and electrical corporations are brought, in most cases, and in the first instance, to the attention of the Commission informally by correspondence. And by correspondence, supplemented if necessary by personal investigation, many of such matters are settled or adjusted.

The diversified character of the numerous matters of this kind given attention will not here permit of more extended reference to specific instances.

Consumers' Deposits: Gas corporations and electrical corporations are entitled, by section 63 of the Transportation Corporations Law, to exact from consumers a deposit of a reasonable sum of money as security for the payment of gas and electric light rent, or compensation for gas consumed, or rent of pipe or wire and fixtures. Upon such deposits every corporation is obliged by law "to allow and pay to every such depositor legal interest on the sum deposited for the time his deposit shall remain with the corporation". That many patrons of gas corporations and electrical corporations are ignorant of the above provision of law, and therefore of their own right to the legal rate of interest upon the deposits, is evident from communications, verbal and written, received at this office.

That the practice of exacting deposits is extensively engaged in by gas corporations and electrical corporations; that there have in past years been received and refunded by such corporations deposits aggregating more than a million dollars; that there are now on hand by such corporations deposits aggregating upwards of five hundred thousand dollars; that not a few of the corporations have wholly disregarded the legal obligation voluntarily to allow and pay interest on every deposit and have done so only upon demand; that in many instances less than a legal rate of interest has been paid; and that there has been an absence of such proper rules and regulations, the observance of which would inform the depositor in the transaction and safeguard his interests, all became evident upon inquiry made by the Commission into the corporate methods generally employed. The results of this inquiry, briefly summarized here, are set forth in detail in the Annual Report for the year 1909.

The correction of these conditions demanded affirmative action

by the Commission, which has been taken. A tentative order, prescribing requirements to be observed, was prepared and served upon every gas corporation and electrical corporation, with notice of a hearing thereon to be held in Albany, November 1, 1910. Representatives of a number of the corporations now engaged in the practice of exacting deposits appeared, and upon consideration of their objections and suggestions a resolution was adopted December 22, 1910, upon which was entered an order requiring every such corporation —

First, to keep a record of each deposit received, such record to be in accordance with the requirements of the Uniform Systems of Accounts prescribed by the Commission for Gas Corporations and Electrical Corporations, as set forth in the Account No. 357a, entitled "Consumers' Deposits," and reading as follows:

> Credit to this account, as such deposits are made, all cash deposited with the corporation by consumers as security for the payment of (gas—electric) bills. Deposits refunded shall be charged to this account and credited to "Cash". Deposits applicable to uncollectible or worthless (gas—electric) bills shall, at the close of the fiscal year (or earlier, at the option of the accounting corporation), be credited to the account of the consumer involved and debited to this account.

Second, to keep, in addition to the record prescribed in paragraph first above, and in such manner as each such corporation may elect, such other and further records as will show with respect to each deposit now on hand or hereafter received (*a*) the name of the consumer making the deposit; (*b*) the premises of the consumer at the time the deposit is made, and each successive premises occupied by the depositor so long as he remains a consumer or until the deposit with interest be refunded him; (*c*) the date of the deposit; (*d*) the amount of the deposit; (*e*) the interest accrued on the deposit at the end of each calendar year; and (*f*) a record of each transaction concerning such deposit; and such other information as each such corporation may deem necessary to a complete record of each deposit.

Third, to keep, in addition to the records hereinabove prescribed, a card index which shall show at all times the name of each and every consumer, alphabetically arranged, from whom a deposit has been exacted and whose said deposit or a balance thereof is on hand, with appropriate reference on each card to the consumer's ledger account.

Fourth, to allow and pay to every depositor legal interest: to wit, interest at the rate of 6 per centum per annum on the sum deposited for the time his deposit or any balance thereof shall remain with the corporation.

Fifth, to render such depositor, when and as his deposit is applied to unpaid bills, a statement showing (*a*) the bill or bills in arrears and unpaid, (*b*) the amount thereof, (*c*) the amount of the deposit, together with the accrued interest, applied in payment thereof, and (*d*) the balance of the bills remaining unpaid or the balance of the deposit remaining to the depositor's credit, as the case may be.

Sixth, to render such depositor, when and as his deposit may be refunded to him, a statement showing (*a*) the amount of the deposit, (*b*) the amount of the accrued interest from the date of the deposit, (*c*) the interest amounts paid, if any, (*d*) the amount of the deposit and interest refunded.

Seventh, each depositor upon ceasing to be a consumer shall have the right to withdraw his deposit and all accrued interest thereon upon surrendering his deposit certificate and payment of all bills for which the deposit is security. Such deposit shall not bear interest from and after the date the depositor ceases to be a consumer. Mere change of residence or of location of service is not to be deemed of itself to be such cessation.

Eighth, to issue to every consumer from whom, on and after the 1st day of February, 1911, a deposit may be exacted, a certificate of deposit, for which shall be used a good quality of Scotch linen ledger paper of some distinctive color; and there shall be printed upon the face of said certificate in a conspicuous manner the following:

THIS RECEIPT IS NOT NEGOTIABLE OR TRANSFERABLE.

Six per cent interest is allowed on this deposit and will be paid annually upon demand. Payment for each calendar year ending December 31st to be made on or after the next succeeding February 1st upon such demand.

PRESERVE THIS RECEIPT TO BE SURRENDERED WHEN DEPOSIT IS RETURNED.

Ninth, to keep on hand for distribution to its customers, printed circulars, over its corporate or business name, such circulars to be entitled "TERMS AND CONDITIONS UPON WHICH

CONSUMERS' DEPOSITS ARE EXACTED, HELD, AND MAY BE WITHDRAWN"; and to contain under said title (*a*) the provisions in full of section 63 of the Transportation Corporations Law (chapter 219, laws of 1909), (*b*) the order herein of this Commission, (*c*) and such other terms and conditions under the heading "RULES OF THE COMPANY" as such corporation may elect to prescribe in pursuance of paragraph seventh hereinabove. And every such corporation shall, on or before the 1st day of March, 1911, provide each consumer having a deposit with a copy of said circular. And every such corporation shall hereafter, prior to exacting a deposit, present a copy of said circular to the consumer or applicant for service from whom a deposit is demanded.

Tenth, to provide reasonable ways and means, in such manner as every such corporation may elect, whereby a depositor, who in good faith makes application for the return of his deposit and is entitled to the return of same, but who is unable to produce the original certificate of deposit or receipt, may not be deprived of his rights; provided he shall make affidavit to the effect that the original certificate has been lost or has disappeared, and bind himself, his executors or administrators, to reimburse the company for any costs or expense incurred by the company on account of the original certificate being presented for payment.

With respect to the requirements prescribed, the method of complying with which is stated to be elective with each corporation, the Commission reserves the right to approve or disapprove of the specific methods employed as occasion may demand such action.

The order becomes effective February 1, 1911.

Calorific Power of Gas: A conference with representatives of corporations manufacturing coal gas, carburetted water gas, and mixed carburetted water gas and coal gas was held in Albany, February 1st, for the purpose of affording an interchange of views and opinions upon the necessity and desirability of determining the value of gas by a standard of heating units rather than as now by a standard of illuminating power. The circumstances leading up to this conference are fully stated in the Annual Report for 1909 (pages 19–34). With the approval of the Commission this

division began in 1908, and concluded a year later, an investigation which for its main objects had to determine: first, the proportion of the total gas supplied used in such manner or for such purposes as to make its heating value of primary importance; and second, the heating power of gas under existing conditions of manufacture and under the varying weather conditions of the four seasons.

A report of this inquiry was submitted to the Commission October 29, 1909, by the chief of division, in which are given his conclusions, as follows:

1. That of the coal gas, carburetted water gas, and mixed gas furnished within the territorial jurisdiction of this Commission, the proportion used in open-flame burners probably does not exceed 20 per cent of the total supply.

2. That the existing photometric standards by which is judged the illuminating power of the gas afford the proper basis of measuring the real value of this proportion of the supply.

3. That unless and until the amount of the gas supply used in open-flame burners becomes diminished considerably below its present proportion of the total gas consumed, it is desirable that the existing photometric standards be maintained.

4. That the present test for illuminating power is not suited to a determination of the real value of gas used in the various methods now employed in incandescent lighting, nor does it afford a proper standard of measure for gas used for heat and power.

5. That the amount of gas used in these methods and for these purposes constitutes fully 80 per cent of the total gas supply.

6. That the real value of this portion of the gas supply lies in the heating properties of the gas, for which no standard of measurement exists in this State.

7. That by reason of the large class of consumers to whom the value of gas as a generator of heat is a matter of primal importance, it is desirable that the calorific power of gas be standardized by the introduction of appropriate tests.

As extensive and thorough as was the above investigation, it was regarded and reported as "work of a preliminary nature in a broad field of inquiry". It was pointed out that "the probable effect of the enforcement of a calorific standard upon the cost of plant operation; the advantages, if any, of reasonable and uniform thermo units as against high candle-power units; the objections, if any, to the enforcement of a double standard; the experiences of the local gas manufacturers in determining and regulating calorific values; the present plant equipment and facili-

ties for making heat unit tests; the time necessary to adapt gas works conditions to calorific conditions, are, among others, subjects to which the attention of the Commission should further be addressed prior to any final action." And it was recommended that upon all these matters "the distributing companies whose interests would be affected should be given the opportunity to be heard".

For these reasons the conference on February 1st was held. At this conference a joint committee, composed of representatives of the Commission and of the companies, was appointed to continue the inquiry. The Commission appointed to the committee Henry C. Hazzard, Chief of the Division; Howard H. Crowell, Engineer; and Charles H. Stone, Chief Inspector of Gas. The companies selected as their representatives R. M. Searle, Rochester Railway and Light Company; W. R. Addicks, Westchester Lighting Company; T. R. Beal, Poughkeepsie and Newburgh Light, Heat and Power Companies; J. C. DeLong, Syracuse Lighting Company; W. T. Morris, United States Gas and Electric Company; and M. W. Offutt, Mohawk Gas Company.

To the committee thus constituted were delegated by the Commission the duties of continuing this investigation, of planning the scope and extent thereof, and at the conclusion of its work of submitting the results to the Commission.

From information furnished, the work of the committee to date may be reported as follows:

The plans of the committee, briefly, are: That further tests be made for heat units; that these tests be made by such representative coal gas, water gas, and mixed coal and water gas companies as may signify their willingness to engage in the work; and that the tests be made preferably, first under existing conditions of manufacture, and subsequently under such other conditions as later may be deemed necessary to a thorough study of the subject.

For the guidance of the participating companies, the committee has prepared and distributed printed copies of instructions, consisting of specifications for standards and rules and requirements as to their installation, standardization, and use. Each company is to provide upon its premises a calorimeter of standard design

and make, the accuracy of which must be ascertained in the first instance by checks against the primary standard in the Commission's laboratory, and thereafter periodically by checks against the Commission's portable secondary standard. The permanent location and the methods of installation of the company's apparatus are in each instance to be inspected and approved by the chief inspector of gas.

Upon the part of the Commission, observance of these specifications calls for the purchase of additional apparatus, consisting of a calorimeter and accessories to be used solely as a primary standard in the laboratory for initial tests of the instruments provided by the companies, and for periodic calibration of the Commission's secondary standard. Also it became imperative that larger and better lighted quarters than those previously occupied in the State Power House be secured for the laboratory. The necessity for all of the above preparations obliged the Commission to ask the Legislature for additional funds. The request was granted, and the fund, which became available June 18, 1910, enabled the Commission to secure rooms for the laboratory in the Lyon Block, Albany, the equipment of which was then proceeded with and finally completed in October, in which month the primary standard, balance, weights, and thermometers were carried to Washington, D. C., and there standardized and calibrated by the National Bureau of Standards.

Meantime, twelve companies signified to the committee their willingness to install the necessary apparatus and to participate with the work in accordance with the plans of the committee.

The calorimeters of most of these companies have been received at the laboratory of the Commission, checked for accuracy, and returned for permanent installation.

It will be seen from this brief survey of the committee's work that the preliminaries to the investigation have been substantially completed, and it is the expectation of the committee that the series of tests will be begun not later than February 1, 1911.

For the purposes of the investigation the term "heating value of gas" is defined by the committee as follows:

The heating value of a gas is the total heating effect produced by the complete combustion of a unit volume of the gas, measured at a temperature of

60 degrees Fahrenheit, and a pressure of 30 inches of mercury, with air of the same temperature and pressure, the products of combustion also being brought to this temperature.

In America, the unit of volume is the cubic foot, and we recommend that the heating value be stated in terms of British thermal units per cubic foot of gas.

Inspections of Gas: The systematic inspection of the coal gas, water gas, and mixed coal and water gas supply for illuminating power and quality has been continued along the lines of the work of last year, the gas of each company periodically being tested for candle-power, the presence of hydrogen sulphide, the quantitative presence of ammonia and sulphur, and a record taken of the distribution pressure.

The number of tests at each plant is determined by the annual plant output. Up to ten million cubic feet annual production six tests were made; for each ten million cubic feet produced in excess of this minimum an additional test was made, the maximum number of tests however for any one company being limited to twenty-six.

The total number of tests for the year were 878. In one or more respects, 295 tests, or 33.6 per cent of the total number of tests, showed deficiencies. The supply was found to fail to meet the requirements as to candle-power in 21.8 per cent of the tests; as to the presence of hydrogen sulphide, 9.9 per cent of the tests; as to the maximum amount of sulphur allowed, 6.5 per cent of the tests; and as to the maximum amount of ammonia allowed, 1.0 per cent of the tests.

The steps taken to enforce compliance with the standards are discussed above under the subject of Exercise of General Powers. A study of the results given in the tables following will show that a majority of the companies are substantially meeting all requirements, and as to them there may be no question of disregard of their obligations in the matter. The large percentage of deficiencies is occasioned by the constantly inferior gas obtaining on the part of a few companies. Corrective measures are in progress.

The results of each test are given in the first four of the following tables, and summarized comparatively with the results of the tests for the years 1908 and 1909 in Tables V and VI.

TABLE I: Showing number of tests made in each municipality, kind of gas tested, the number of tests showing the gas to be within the requirements prescribed by law, the number showing deficiencies, and the number of times the gas was found deficient in each particular as to candle-power and impurities. The presence of hydrogen sulphide in gas is prohibited by law.

Place of test.	Kind of gas.	Number of tests.	Number tests showing		Deficiencies.			
			Gas to be within requirement prescribed by law.	Deficiencies either as to candle-power, impurities, or both.	Candle-power below standard.	Excessive sulphur.	Excessive ammonia.	Presence of sulphuretted hydrogen.
Albany	Water	26	21	5	4	0	0	1
Albion	Coal	6	3	3	0	0	3	0
Amsterdam	Mixed	14	12	2	1	1	0	0
Auburn	Coal	15	9	6	6	0	0	0
Bath	Coal	6	5	1	1	0	0	0
Bay Shore	Water	8	7	1	0	1	0	1
Binghamton	Water	22	20	2	2	0	0	0
Brockport	Coal	5	2	3	1	3	0	0
Buffalo	Coal	25	23	2	0	2	0	0
Canandaigua	Coal	7	2	5	5	0	0	0
Canastota	Water	7	0	7	7	1	0	1
Catskill	Coal	6	5	1	0	1	0	0
Clifton Springs	Water	7	7	0	0	0	0	0
Cohoes	Water	10	9	1	0	0	0	1
Cooperstown	Coal	6	0	6	2	1	0	5
Corning	Coal	6	5	1	0	1	0	0
Cortland	Coal	7	1	6	5	3	0	0
Dansville	Water	6	5	1	0	0	0	1
Elmira	Coal	8	8	0	0	0	0	0
Fishkill	Water	7	2	5	5	0	0	0
Fort Plain	Water	6	1	5	0	1	0	5
Fredonia	Coal	6	0	6	2	2	0	4
Fulton	Coal	7	5	2	0	1	0	1
	Mixed	1	1	0	0	0	0	0
Geneseo	Coal	6	5	1	1	0	0	0
Geneva	Coal	11	4	7	5	0	0	3
Glen Cove	Water	6	1	5	5	1	0	0
Glens Falls	Coal	9	2	7	1	6	0	0
Goshen	Coal	6	5	1	0	0	0	1
Granville	Water	6	6	0	0	0	0	0
Haverstraw	Water	6	3	3	2	0	0	1
Hempstead	Water	12	9	3	3	0	0	0
Herkimer	Water	9	9	0	0	0	0	0
Hoosick Falls	Coal	6	3	3	3	0	0	0
Hudson	Coal	6	4	2	2	0	0	0
Hudson Falls	Coal	6	1	5	5	3	0	0
Huntington	Water	6	6	0	0	0	0	0
Ithaca	Coal	9	4	5	2	2	1	0
Johnstown	Water	15	12	3	2	0	0	1
Kenmore	Coal	6	3	3	3	0	0	0
Kingston	Coal	6	0	6	5	2	0	0
	Mixed	6	4	2	1	1	0	1
Little Falls	Water	8	4	4	4	0	0	0
Lockport	Coal	10	3	7	5	1	1	1
Lyons	Coal	6	3	3	3	1	0	1
Malone	Coal	6	1	5	2	2	0	4
Mechanicville	Water	6	0	6	6	0	0	0
Medina	Coal	6	3	3	0	0	1	2
Middletown	Water	9	8	1	0	1	0	1
Mt. Vernon	Water	26	25	1	1	0	0	0
Newark	Coal	6	2	4	2	0	0	2
Newburgh	Water	13	8	5	4	0	0	3
Niagara Falls	Coal	8	6	2	1	1	0	0
Norwich	Water	7	3	4	3	0	0	2
Nyack	Water	8	6	2	2	0	0	0
Ogdensburg	Coal	7	4	3	2	0	1	0
Oneida	Coal	6	2	4	4	1	0	0
Oneonta	Water	7	2	5	1	0	0	5
Ossining	Water	8	4	4	1	1	0	3
Oswego	Coal	9	4	5	4	1	0	0
Owego	Coal	6	5	1	0	0	1	0

TABLE I (*concluded*):

Place of test.	Kind of gas.	Number of tests.	Number tests showing		Deficiencies.			
			Gas to be within requirement prescribed by law.	Deficiencies either as to candle-power, impurities, or both.	Candle-power below standard.	Excessive sulphur.	Excessive ammonia.	Presence of sulphuretted hydrogen.
Palmyra	Coal	6	5	1	0	0	0	1
Patchogue	Water	6	5	1	0	0	0	1
Peekskill	Water	9	8	1	1	0	0	0
Penn Yan	Coal	5	5	0	0	0	0	0
Plattsburgh	Water	8	5	3	1	0	0	3
Port Jervis	Water	7	7	0	0	0	0	0
Poughkeepsie	Water	16	15	1	1	0	0	0
Queens Borough	Water	8	8	0	0	0	0	0
Rensselaer	Coal	4	2	2	2	0	0	0
	Water	3	0	3	3	0	0	0
Rochester	Mixed	26	26	0	0	0	0	0
Rome	Coal	4	1	3	3	0	0	0
	Mixed	6	2	4	4	0	1	0
Sag Harbor	Water	7	6	1	1	0	0	0
Saratoga	Water	10	6	4	4	0	0	0
Saranac Lake	Water	5	5	0	0	0	0	0
Saugerties	Coal	6	1	5	5	0	0	0
Schenectady	Water	23	18	5	5	0	0	0
Seneca Falls	Coal	8	3	5	5	2	0	1
Suffern	Water	6	4	2	1	0	0	1
Syracuse	Mixed	26	22	4	2	1	0	1
Tarrytown	Water	11	11	0	0	0	0	0
Tonawanda	Coal	9	4	5	2	2	0	2
Troy	Water	26	22	4	4	0	0	0
Utica	Water	26	9	17	6	0	0	12
Wappingers Falls	Coal	6	6	0	0	0	0	0
Warsaw	Water	6	0	6	1	3	0	6
Watertown	Coal	14	4	10	7	6	0	0
Waterville	Water	6	0	6	1	0	0	6
Watkins	Coal	5	5	0	0	0	0	0
Waverly	Water	8	6	2	2	0	0	1
White Plains	Water	13	10	3	2	0	0	1
Yonkers	Water	26	25	1	1	0	0	0

TABLE II: Showing the number of tests made in each municipality, and the highest, lowest, and average candle-power as determined by the tests: the legal candle-power being for water gas 20, for mixed gas 18, and for coal gas 16. The following burners are used: (1) in second class cities, pursuant to chapter 557, laws of 1907, for coal gas and mixed gas containing more than 50 per cent of coal gas, an F Argand; for mixed gas containing less than 50 per cent of coal gas and for carbonated water gas, No. 7 Slit Union Bray; (2) all other places either the No. 7 Slit Union Bray, the old D Argand, or new F Argand, as may be best suited to the gas under test.

Place of test.	Number of tests.	Kind of gas.	Candle-power.		
			Highest.	Lowest.	Average.
Albany	26	Water	23.6	18.8	20.8
Albion	6	Coal	18.6	17.0	17.8
Amsterdam	14	Mixed	21.9	17.2	19.2
Auburn	15	Coal	18.4	12.6	16.0
Bath	6	Coal	19.4	11.4	16.9
Bay Shore	8	Water	21.8	20.4	21.0
Binghamton	22	Water	22.1	19.3	20.7
Brockport	5	Coal	19.4	14.4	17.0
Buffalo	25	Coal	20.5	16.4	18.1
Canandaigua	7	Coal	17.0	11.9	14.8
Canastota	7	Water	18.1	12.1	14.8
Catskill	6	Coal	20.5	16.3	17.6
Clifton Springs	6	Water	22.5	20.3	21.5
Cohoes	10	Water	26.9	20.2	23.5

TABLE II (*concluded*):

Place of test.	Number of tests.	Kind of gas.	Candle-power.		
			Highest.	Lowest.	Average.
Cooperstown	6	Coal	18.5	14.2	16.4
Corning	6	Coal	17.8	16 0	16.7
Cortland	7	Coal	16.4	13.7	14.8
Dansville	6	Water	23.2	20.9	22.2
Elmira	8	Coal	17.3	16.1	16.7
Fishkill	7	Water	20.6	15.4	17.8
Fort Plain	6	Water	26.3	20.0	23.0
Fredonia	6	Coal	18.9	12.7	16.3
Fulton	7	Coal	18.2	16.0	16.8
	1	Mixed	21.8	21.8	21.8
Geneseo	6	Coal	17.9	15.4	17.2
Geneva	11	Coal	18.2	14.2	16.1
Glen Cove	6	Water	20.5	19.0	19.4
Glens Falls	9	Coal	18.4	13.9	16.5
Goshen	6	Coal	17.3	16.1	16.9
Granville	6	Water	27.8	22.9	24.4
Haverstraw	6	Water	23.2	16.7	20.4
Hempstead	12	Water	21.0	19.3	20.2
Herkimer	9	Water	20.8	20.0	20.4
Hoosick Falls	6	Coal	16.8	13.1	15.0
Hudson	6	Coal	18.3	14.4	16.5
Hudson Falls	6	Coal	16.1	13.5	14.5
Huntington	6	Water	20.5	20.1	20.3
Ithaca	9	Coal	18.1	13.7	16.0
Johnstown	15	Water	22.8	18.4	21.1
Kenmore	5	Coal	18.7	10.0	15.2
Kingston	6	Coal	16.0	10.0	14.4
	6	Mixed	19.8	15.4	18.5
Little Falls	8	Water	21.3	18.4	19.8
Lockport	10	Coal	17.2	14.4	15.8
Lyons	6	Coal	17.1	13.2	15.6
Malone	5	Coal	17.5	14.9	16.2
Mechanicville	6	Water	19.5	15.6	17.8
Medina	6	Coal	16.9	16.0	16.5
Middletown	9	Water	21.6	20.0	20.9
Mt. Vernon	26	Water	24.6	19.8	21.2
Newark	6	Coal	17.0	12.7	15.9
Newburgh	13	Water	23.4	17.3	20.4
Niagara Falls	8	Coal	18.0	15.8	16.7
Norwich	7	Water	23.6	17.0	20.0
Nyack	8	Water	22.7	18.5	20.5
Ogdensburg	7	Coal	16.4	15.2	16.0
Oneida	6	Coal	16.6	14.1	15.1
Oneonta	7	Water	26.5	19.0	22.7
Ossining	8	Water	23.3	19.1	21.1
Oswego	9	Coal	17.1	10.6	15.0
Owego	6	Coal	19.0	16.6	17.8
Palmyra	6	Coal	18.9	16.7	17.6
Patchogue	6	Water	20.9	20.2	20.5
Peekskill	9	Water	23.7	19.1	21.3
Penn Yan	5	Coal	18.6	16.9	17.8
Plattsburgh	8	Water	23.8	19.9	21.6
Port Jervis	7	Water	28.2	20.1	22.7
Poughkeepsie	16	Water	23.9	18.8	21.7
Queens Borough	8	Water	21.0	20.4	20.8
Rensselaer	4	Coal	17.2	12.3	15.0
	3	Water	18.5	14.8	16.3
Rochester	26	Mixed	22.4	18.5	20.4
Rome	4	Coal	17.1	13.0	14.6
	6	Mixed	19.9	14.0	16.1
Sag Harbor	7	Water	21.1	18.7	20.3
Saratoga	10	Water	26.1	17.1	20.7
Saranac Lake	5	Water	24.3	20.4	22.3
Saugerties	6	Coal	16.8	11.8	14.3
Schenectady	22	Water	24.2	16.0	20.5
Seneca Falls	8	Coal	16.6	13.3	15.6
Suffern	6	Water	22.1	18.2	20.4
Syracuse	26	Mixed	21.3	14.9	19.0
Tarrytown	11	Water	24.5	20.1	21.7
Tonawanda	9	Coal	19.1	9.9	15.6
Troy	26	Water	24.0	18.1	21.1
Utica	26	Water	25.3	9.3	20.4
Wappingers Falls	6	Coal	17.4	16.3	16.8
Warsaw	6	Water	24.7	19.5	21.8
Watertown	14	Coal	22.6	12.7	15.8
Waterville	5	Water	27.7	15.5	22.7
Watkins	5	Coal	18.0	17.0	17.5
Waverly	8	Water	22.4	16.6	20.3
White Plains	13	Water	25.9	19.3	22.2
Yonkers	26	Water	25.6	18.9	21.2

TABLE III: Showing the number of tests made in each municipality, the highest, lowest, and average quantity of sulphur and ammonia found. The standards prescribed by law are a maximum of 20 grains of sulphur and 10 grains of ammonia.

Place of test.	Number of tests.	Kind of gas.	Gr. per 100 cu. ft. of gas.				
			Sulphur.			Ammonia.	
			Highest.	Lowest.	Average.	Highest.	Lowest.
Albany	26	Water..	9.2	3.1	6.9	1.0	1.0
Albion	6	Coal...	12.0	5.1	10.1	12.7	2.0
Amsterdam	12	Mixed..	20.5	4.1	10.5	1.0	1.0
Auburn	15	Coal...	17.2	3.3	12.4	1.0	1.0
Bath	6	Coal...	14.3	1.9	8.5	3.6	1.0
Bay Shore	8	Water..	24.1	5.6	11.5	1.0	1.0
Binghamton	22	Water..	8.8	2.7	6.2	1.0	1.0
Brockport	5	Coal...	27.4	9.3	18.9	1.0	1.0
Buffalo	25	Coal...	25.7	3.7	11.4	2.8	1.0
Canandaigua	7	Coal...	19.6	9.3	13.6	1.0	1.0
Canastota	7	Water..	25.5	4.0	13.1	1.0	1.0
Catskill	6	Coal...	21.1	12.7	16.4	1.0	1.0
Clifton Springs	7	Water..	8.1	2.3	5.6	1.0	1.0
Cohoes	10	Water..	8.4	2.7	5.7	1.0	1.0
Cooperstown	6	Coal...	23.3	3.8	10.1	1.0	1.0
Corning	6	Coal...	20.5	7.0	15.3	1.0	1.0
Cortland	7	Coal...	28.4	4.0	18.0	1.0	1.0
Dansville	6	Water..	16.7	4.7	10.9	1.0	1.0
Elmira	8	Coal...	16.2	7.4	11.3	1.0	1.0
Fishkill	7	Water..	8.8	4.2	6.7	1.0	1.0
Fort Plain	6	Water..	21.6	2.8	9.8	1.0	1.0
Fredonia	6	Coal...	29.4	7.3	16.5	1.0	1.0
Fulton	7	Coal...	21.2	6.5	11.8	4.8	1.0
	1	Mixed..	8.8	8.8	8.8	1.0	1.0
Geneseo	6	Coal...	17.8	9.3	13.7	1.0	1.0
Geneva	11	Coal...	17.6	4.6	12.3	1.0	1.0
Glen Cove	6	Water..	22.3	6.5	11.1	1.0	1.0
Glens Falls	9	Coal...	25.2	14.6	21.0	1.0	1.0
Goshen	6	Coal...	14.2	3.7	9.3	1.0	1.0
Granville	6	Water..	10.6	4.1	7.3	1.0	1.0
Haverstraw	6	Water..	15.8	8.1	10.9	1.0	1.0
Hempstead	12	Water..	14.9	4.7	7.8	1.0	1.0
Herkimer	9	Water..	13.1	3.9	8.2	1.0	1.0
Hoosick Falls	6	Coal...	15.5	4.3	11.1	1.2	1.0
Hudson	6	Coal...	15.3	8.3	12.7	1.0	1.0
Hudson Falls	6	Coal...	29.0	6.0	18.0	1.0	1.0
Huntington	6	Water..	13.8	2.8	8.9	1.0	1.0
Ithaca	9	Coal...	21.5	3.5	14.2	10.9	1.0
Johnstown	15	Water..	14.8	2.9	6.6	1.0	1.0
Kenmore	5	Coal...	17.7	6.5	13.0	1.0	1.0
Kingston	6	Coal...	22.8	9.8	15.9	1.0	1.0
	6	Mixed..	25.1	6.8	12.8	1.0	1.0
Little Falls	8	Water..	13.0	4.4	9.6	1.0	1.0
Lockport	10	Coal...	21.4	3.9	10.4	15.8	3.3
Lyons	5	Coal...	31.0	8.5	13.7	8.0	1.0
Malone	6	Coal...	57.9	6.2	20.0	1.0	1.0
Mechanicville	6	Water..	11.2	6.5	8.5	1.0	1.0
Medina	5	Coal...	16.8	7.0	12.0	20.8	2.0
Middletown	9	Water..	27.0	4.4	9.1	1.0	1.0
Mt. Vernon	26	Water..	8.2	1.8	5.8	1.0	1.0
Newark	6	Coal...	15.1	9.5	12.8	1.0	1.0
Newburgh	12	Water..	12.5	5.3	9.4	1.0	1.0
Niagara Falls	8	Coal...	23.9	5.0	11.3	1.0	1.0
Norwich	7	Water..	8.4	5.1	6.9	1.0	1.0
Nyack	7	Water..	8.7	3.8	6.8	1.0	1.0
Ogdensburg	7	Coal...	12.9	6.5	9.2	15.9	1.0
Oneida	6	Coal...	28.1	9.0	14.5	1.0	1.0
Oneonta	7	Water..	13.5	3.1	7.3	1.0	1.0
Ossining	8	Water..	22.3	5.8	11.7	1.0	1.0
Oswego	9	Coal...	21.0	4.6	14.7	1.0	1.0
Owego	6	Coal...	10.5	4.1	6.9	17.2	3.3
Palmyra	6	Coal...	8.1	4.6	6.3	4.1	1.0
Patchogue	6	Water..	20.0	6.4	10.5	1.0	1.0
Peekskill	8	Water..	9.9	2.8	7.0	1.0	1.0
Penn Yan	5	Coal...	19.6	9.0	15.1	1.0	1.0
Plattsburgh	8	Water..	18.0	3.1	9.9	1.0	1.0
Port Jervis	7	Water..	11.4	6.3	9.1	1.0	1.0
Poughkeepsie	16	Water..	9.4	2.7	7.2	1.0	1.0
Queens Borough	8	Water..	9.0	6.3	7.3	1.0	1.0
Rensselaer	4	Coal...	9.2	4.8	7.4	1.0	1.0
	3	Water..	6.7	4.8	6.0	1.0	1.0

TABLE III (*concluded*):

Place of test.	Number of tests.	Kind of gas.	Gr. per 100 cu. ft. of gas.				
			Sulphur.			Ammonia.	
			Highest.	Lowest.	Average.	Highest.	Lowest.
Rochester	26	Mixed..	17.8	3.1	8.7	1.0	1.0
Rome	4	Coal...	11.4	9.4	10.4	8.4	1.0
	6	Mixed..	9.6	6.3	7.7	12.3	1.0
Sag Harbor	7	Water..	11.9	4.8	8.9	1.0	1.0
Saratoga	10	Water..	12.0	4.5	7.9	1.0	1.0
Saranac Lake	5	Water..	10.9	3.2	6.6	1.0	1.0
Saugerties	6	Coal...	14.4	4.8	11.6	1.0	1.0
Schenectady	20	Water..	9.7	2.7	5.9	1.0	1.0
Seneca Falls	8	Coal...	23.2	7.8	14.7	1.0	1.0
Suffern	6	Water..	10.9	3.0	7.6	1.0	1.0
Syracuse	26	Mixed..	20.9	3.8	8.5	1.0	1.0
Tarrytown	10	Water..	9.1	4.6	6.8	1.0	1.0
Tonawanda	8	Coal...	33.0	8.3	16.4	1.0	1.0
Troy	26	Water..	9.6	3.3	6.9	1.0	1.0
Utica	26	Water..	17.7	2.8	8.6	1.0	1.0
Wappingers Falls	5	Coal...	12.5	6.2	9.1	1.0	1.0
Warsaw	6	Water..	29.4	9.4	20.3	1.0	1.0
Watertown	12	Coal...	34.2	14.2	22.1	1.0	1.0
Waterville	6	Water..	12.5	2.7	8.0	1.0	1.0
Watkins	5	Coal...	15.7	3.9	8.4	1.0	1.0
Waverly	8	Water..	9.3	3.2	6.0	1.0	1.0
White Plains	13	Water..	11.4	4.5	6.8	1.0	1.0
Yonkers	26	Water..	10.4	3.7	6.4	1.0	1.0

TABLE IV: Showing the number of tests made in each municipality, and the highest, lowest, and the average pressure of gas in each obtaining at the time of test:

Place of test.	Kind of gas.	Number of tests.	Pressure in inches of water.		
			Highest.	Lowest.	Average.
Albany	Water....	26	4.7	3.0	3.8
Albion	Coal.....	6	3.7	3.0	3.3
Amsterdam	Mixed....	14	3.6	2.5	3.0
Auburn	Coal.....	15	3.8	2.8	3.2
Bath	Coal.....	6	3.3	3.0	3.1
Bay Shore	Water....	8	4.1	2.4	3.3
Binghamton	Water....	22	5.0	2.9	3.3
Brockport	Coal.....	5	3.3	3.0	3.2
Buffalo	Coal.....	25	3.1	1.7	2.3
Canandaigua	Coal.....	7	3.8	2.7	3.3
Canastota	Water....	7	3.7	2.4	3.3
Catskill	Coal.....	6	4.0	2.5	2.9
Clifton Springs	Water....	7	2.8	2.1	2.4
Cohoes	Water....	10	3.7	2.5	2.9
Cooperstown	Coal.....	6	2.2	1.9	2.1
Corning	Coal.....	6	2.2	2.1	2.2
Cortland	Coal.....	7	2.6	2.3	2.5
Dansville	Water....	6	3.2	2.5	2.8
Elmira	Coal.....	8	2.9	2.3	2.6
Fishkill	Water....	7	3.0	2.4	2.6
Fort Plain	Water....	6	3.0	2.6	2.8
Fredonia	Coal.....	6	3.4	2.3	2.8
Fulton	Coal.....	7	3.7	3.4	3.5
	Mixed....	1	3.2	3.2	3.2
Geneseo	Coal.....	6	4.5	4.0	4.3
Geneva	Coal.....	11	4.1	2.4	3.4
Glen Cove	Water....	6	5.8	2.8	3.8
Glens Falls	Coal.....	9	4.2	2.8	3.4
Goshen	Coal.....	6	2.8	2.3	2.6
Granville	Water....	6	2.9	2.6	2.7
Haverstraw	Water....	6	3.4	2.8	3.1
Hempstead	Water....	12	3.1	2.3	2.8
Herkimer	Water....	9	4.5	2.6	3.6
Hoosick Falls	Coal.....	6	2.9	2.6	2.8
Hudson	Coal.....	6	3.4	2.5	2.9
Hudson Falls	Coal.....	6	4.6	3.9	4.3
Huntington	Water....	6	3.4	3.2	3.3
Ithaca	Coal.....	9	3.2	2.2	2.8
Johnstown	Water....	15	3.5	2.6	3.2

TABLE IV (*concluded*):

Place of test.	Kind of gas.	Number of tests.	Pressure in inches of water.		
			Highest.	Lowest.	Average.
Kenmore	Coal	6	*	5.0	*5.0
Kingston	Coal	6	3.2	3.1	3.2
	Mixed	6	3.5	3.0	3.2
Little Falls	Water	8	5.8	3.7	4.8
Lockport	Coal	10	5.1	4.2	4.8
Lyons	Coal	6	3.3	2.7	2.9
Malone	Coal	6	2.7	1.9	2.2
Mechanicville	Water	6	3.2	2.9	3.0
Medina	Coal	6	2.9	1.9	2.4
Middletown	Water	9	2.9	2.7	2.8
Mt. Vernon	Water	26	4.0	2.8	3.2
Newark	Coal	6	3.3	2.4	2.8
Newburgh	Water	13	4.6	2.3	3.2
Niagara Falls	Coal	8	3.6	2.4	3.3
Norwich	Water	7	3.0	2.5	2.8
Nyack	Water	8	2.7	2.1	2.3
Ogdensburg	Coal	7	2.4	1.9	2.0
Oneida	Coal	6	2.6	2.0	2.4
Oneonta	Water	7	3.6	2.3	3.1
Ossining	Water	8	3.0	2.6	2.9
Oswego	Coal	9	3.5	2.5	2.9
Owego	Coal	6	2.6	2.4	2.5
Palmyra	Coal	6	*	7.0	*7.5
Patchogue	Water	6	3.3	2.6	2.9
Peekskill	Water	9	3.5	3.0	3.2
Penn Yan	Coal	5	3.1	2.8	2.9
Plattsburgh	Water	8	3.6	3.1	3.3
Port Jervis	Water	7	3.0	2.6	2.8
Poughkeepsie	Water	16	3.9	2.8	3.2
Queens Borough	Water	8	2.9	2.6	2.8
Rensselaer	Coal	4	2.4	2.0	2.2
	Water	3	2.5	2.4	2.4
Rochester	Mixed	26	5.0	3.0	3.7
Rome	Coal	4	4.0	3.0	3.3
	Mixed	6	4.7	3.0	3.6
Sag Harbor	Water	7	3.0	2.3	2.7
Saratoga	Water	10	3.6	2.5	2.9
Saranac Lake	Water	5	3.2	2.4	2.7
Saugerties	Coal	6	4.4	2.6	3.9
Schenectady	Water	23	3.2	2.4	2.9
Seneca Falls	Coal	8	3.7	3.2	3.4
Suffern	Water	6	3.0	2.4	2.8
Syracuse	Mixed	26	4.0	2.4	3.2
Tarrytown	Water	11	3.0	2.4	2.6
Tonawanda	Coal	9	2.9	1.8	2.3
Troy	Water	26	3.1	1.4	2.0
Utica	Water	26	*	3.6	*4.2
Wappingers Falls	Coal	6	3.5	3.0	3.3
Warsaw	Water	6	2.4	1.9	2.2
Watertown	Coal	14	3.2	2.4	2.8
Waterville	Water	6	3.1	2.3	2.6
Watkins	Coal	5	3.0	2.3	2.5
Waverly	Water	8	3.4	2.3	2.7
White Plains	Water	13	3.1	2.4	2.8
Yonkers	Water	26	5.2	2.4	3.1

*One or more pressures not included, being higher than the recording capacity of the gauge.

TABLE V: Comparative statement for the years 1908, 1909, and 1910, giving: (1) the total number of tests of gas; (2) the number of tests and per cent of total showing standard gas; and (3) the number of tests, number of deficiencies, and per cent of deficiencies in respect each to candle-power, sulphur, ammonia, and hydrogen sulphide.

Kind of Gas	Total number of tests.	Standard gas.		Tests showing deficiencies in respect to—											
				Candle-power.			Sulphur.			Ammonia.			Hydrogen sulphide.		
		Number of tests.	Per cent of tests.	Number of tests.	Times deficient.	Per cent deficient.	Number of tests.	Times deficient.	Per cent deficient.	Number of tests.	Times deficient.	Per cent deficient.	Number of tests.	Times deficient.	Per cent deficient.
Coal															
1908..	283	142	50.2	282	110	39.0	277	21	7.6	283	9	3.2	283	25	8.8
1909..	337	194	57.6	335	97	28.9	331	44	13.3	333	10	30.0	337	25	7.4
1910..	318	168	52.8	315	96	30.5	311	44	14.1	316	8	2.5	318	28	8.8
Water															
1908..	373	251	67.3	373	107	28.7	366	8	2.2	371	0	0.0	373	38	10.2
1909..	478	301	63.0	475	109	22.9	465	9	1.9	469	0	0.0	478	92	19.2
1910..	481	348	72.3	478	86	18.0	474	9	1.9	480	0	0.0	481	57	11.9
Mixed															
1908..	76	61	80.2	76	10	13.2	74	1	1.4	76	0	0.0	76	0	0.0
1909..	72	54	75.0	72	16	22.2	70	4	5.7	72	0	0.0	72	0	0.0
1910..	79	67	84.8	79	8	10.1	77	3	3.9	78	1	1.3	79	2	2.5

TABLE VI: Comparative statements for the years 1908, 1909, and 1910, giving with respect to companies whose gas was tested: (1) the number of companies having standard gas on all tests, and the per cent; and (2) the number of companies whose gas supply conformed to requirements on all tests in respect each to candle-power, sulphur, ammonia, and hydrogen sulphide.

Kind of gas.	Number of companies.	Number having standard gas.		Number having on all tests standard gas in respect to—							
				Candle-power.		Sulphur.		Ammonia.		Hydrogen sulphide.	
		Number.	Per cent.	Number of companies.	Per cent.	Number of companies.	Per cent.	Number of companies.	Per cent.	Number of companies.	Per cent.
Coal											
1908.....	45	5	11.1	11	24.5	29	64.4	41	91.1	33	73.4
1909.....	43	4	9.3	13	30.2	25	58.2	36	83.8	31	72.1
1910.....	43	4	9.3	13	30.2	22	51.2	37	86.0	30	69.8
Water											
1908.....	45	6	13.3	7	15.6	40	88.9	45	100.0	28	62.2
1909.....	43	2	4.7	12	27.9	37	86.0	43	100.0	14	32.6
1910.....	45	7	15.6	14	31.1	38	84.4	45	100.0	24	53.3
Mixed											
1908.....	7	3	42.9	4	57.1	6	85.7	7	100.0	7	100.0
1909.....	5	1	20.0	1	20.0	2	40.0	5	100.0	5	100.0
1910.....	6	2	33.3	2	33.3	3	50.0	5	83.3	4	66.7

Gas Meters and Provers: Every gas meter is inspected, approved, and sealed by inspectors of the Commission prior to its installation for use. The law prescribes no standard of accuracy for gas meters, except with respect to those meters tested upon complaints of consumers, which shall be deemed incorrect if found to register "more than two per centum . . . defective or incorrect to the prejudice of the consumer". Upon its authority, however, to establish rules and regulations to carry into effect the meter testing provisions of the law, the Commission adopted the rule that all gas meters shall be deemed to be correct whose registration is 2 per cent or less fast or slow.

For the year, 99,618 meters were verified and sealed as correct within the allowable limits of error above stated, and 3152 were rejected, being more than 2 per cent fast or slow, or unsound. Of the total number sealed, new meters comprised 42.7 per cent and repaired meters 57.3 per cent. Natural gas companies furnished 20.4 per cent and manufactured gas companies 79.6 per cent of the total. The following table summarizes the results as to the number of meters found fast or slow, and gives the average and maximum percentage of registration:

METER TABLE.

Meters.	Fast.			Slow.			100% correct number.	Unsound number.
	Number.	Average %	Maximum %	Number.	Average %	Maximum %		
Error of 2% or less...	18,550	0.93	.....	60,725	1.09	.....	20,343	.....
Over 2% error.....	1,498	3.81	23.0	1,275	5.09	110.0	.....	379

Upon application of consumers, special tests were made of 102 meters, 34 of which were found to register more than 2 per cent fast, or to the prejudice of the consumer. The percentages of error of these meters were as follows: 21 registered 3 per cent; 8, 4 per cent; 2, 5 per cent; 1, 6 per cent; 1, 7 per cent; and 1, 8 per cent fast. Six of the complaint meters registered more than 2 per cent slow. Of these, 5 registered 3 per cent; and 1, 5 per cent slow. The remainder of the complaint meters, 62 in number, were found correct within the limits of error.

Twenty-two wet meters were tested for accuracy. These

meters, being more constant in their registration than the dry meter, are used in photometric and calorimetric observations. Of the total tested, 6 wet meters were submitted by corporations engaging in the calorific tests. The remainder comprise those wet meters in daily use by the companies, with their apparatus, for taking the candle-power. These are sent periodically to the laboratory of the Commission to be calibrated.

Gas corporations generally have provided upon their premises a meter prover and appurtenances, as required by law, for testing meters, the few exceptions being upon the part of small concerns and for financial reasons.

Six provers were tested for accuracy this year, and 93 corporations are now properly equipped in this respect.

Electric Meters and Station Standards: It is not practicable, for reasons fully given in the preceding annual reports, for inspectors of the Commission to test every electric meter prior to installation, and to seal or stamp those found correct, as is done with gas meters. The Commission has believed, however, that electric meters should be overhauled at reasonable intervals, tested, and recalibrated. To accomplish this a system of company inspections under Commission supervision has been established, the companies using their own testing standards, which periodically are checked against the standards of the Commission, and reporting monthly the number of meters tested and their condition. The Commission, by amendments to the law this year, now has the authority heretofore lacking to put this system upon a compulsory basis. Satisfactory results have followed upon its trial of upward of two years, most of the companies participating in good faith. The indifference of a few companies, however, has caused the Commission to consider the necessity and desirability of putting the practice under orders.

During the year 8 corporations installed testing apparatus upon recommendation of the Commission, 25 other corporations have equipped themselves with additional instruments, making in all 235 corporations now provided with apparatus approved by the Commission.

The Commission has tested 1739 station standards, as shown in the following table:

	Number of tests.	Certificates issued.	Ordered recal.	Calibrated by inspectors.
Rotating standards	988	960	28	27
Ind. wattmeters	494	486	8	6
Ammeters	101	98	3	2
Voltmeters	156	153	3	1
Totals	1,739	1,697	42	36

The monthly reports filed by corporations of consumers' electric meters tested show results tabulated as follows:

Month.	Corporation.		Meters tested.			Total meters tested.
	Number of.	Making no tests.	4% or more fast.	4% or more slow.	Accurate within 4%	
1909.						
December	233	95	551	1,064	4,701	6,316
1910.						
January	233	90	565	1,187	4,290	6,042
February	233	97	664	1,432	4,265	6,361
March	236	91	739	1,494	5,736	7,969
April	236	96	553	1,273	5,828	7,654
May	235	112	565	1,146	5,808	7,519
June	235	104	595	1,204	5,849	7,648
July	233	119	416	1,110	4,857	6,383
August	233	102	462	1,285	4,546	6,293
September	233	93	356	1,239	4,985	6,580
October	234	95	379	1,185	6,534	8,098
November	235	95	402	1,123	6,188	7,713
Totals	.....	.....	6,247	14,742	63,587	84,576

Comparison of these figures with the results given last year shows for this year an increase of 6460 in the total number of meters tested. The percentage of fast meters to the total in 1909 was 9.5 per cent; in 1910, 7.4 per cent; the percentage of correct meters for these years was 69.9 per cent and 75.2 per cent respectively.

The law prescribes no standard of accuracy for electric meters, except with respect to those meters tested upon complaints of consumers, which shall be deemed incorrect if found to register "more than four per centum . . . defective or incorrect to the prejudice of the consumer". Upon its authority, however, to establish rules and regulations to carry into effect the meter testing provisions of the law, the Commission adopted the rule that

all electric meters shall be deemed to be correct whose registration is 4 per cent or less fast or slow.

As against 73 electric meters tested last year upon complaints of consumers, there were tested this year 130 meters, of which 15 were found to be more than 4 per cent fast, 35 were found to be more than 4 per cent slow, 2 were wrongly connected, and 78 were correct within the allowable limits of error above stated.

Tests on the watt-hour meters measuring the total output of electric energy from the central station bus bars have been made at the plants of the Huntington Light and Power Company and the Watertown Light and Power Company.

Gas and Electrical Laboratories: Gas and electrical laboratories, equipped with standards of scientific design and accuracy and with appliances for field work, are indispensable to a proper administration of certain of the general and specific powers of the Commission.

The need of an electrical laboratory exists in connection with the system, above described, of inspecting electric meters furnished by corporations to consumers, in special meter complaint work, and in the investigations which are made into adequacy of service. The equipment for this work comprises instruments of portable character for field work and certain primary standards for laboratory use against which the portable instruments are periodically checked for accuracy and kept in calibration. Four assistant electrical inspectors and a chief inspector are employed. Each of the four assistants is provided with four indicating wattmeters of the dynamometer type, ranging from 150 watts to 3000 watts scale capacity; an alternating and direct current voltmeter for 150 and 300 volt use; a stop watch; a portable current transformer with variable ratio, rated capacity 100 amperes primary, 5 amperes secondary; and a multiplier. There are also the following instruments which are used by all the inspectors as occasion arises: one Weston, model 155, five ampere A. C. ammeter; two Thomson inclined coil 30 ampere A. C. ammeters; one milli-voltmeter with .5–7.5–15–30 ampere shunt, 150–300 ampere shunt, and 60–600 ampere shunt; one milli-voltmeter with 1.5–15–150 ampere shunt; one portable potential transformer, 6600 volts pri-

mary, 110 volts secondary; three portable variable ratio current transformers, 100 amperes capacity primary, 5 amperes secondary; one portable variable ratio current transformer, 1600 amperes primary rated capacity, 5 amperes secondary; one portable variable ratio current transformer, 400 amperes rated primary capacity, 5 amperes secondary.

The primary standards comprise six Weston standard cells; a potentiometer with galvanometer, lamp, and scale; standard resistances and a volt box. These instruments are standardized from time to time at the National Bureau of Standards, Washington, D. C. In addition to the above, the laboratory equipment consists of alternating current watt dynamometers, laboratory standard voltmeter, milli-voltmeter and shunts, graphic voltmeters and ammeters, and miscellaneous resistances and multipliers.

The problem of obtaining for these various tests alternating current of unvarying voltage has received considerable attention. Satisfactory direct current is provided by means of two sets of storage batteries. To secure alternating current of the above character orders were placed for two interconnected motor generator sets, capable of supplying alternating current of any frequency from 22½ cycles to 150 cycles at any power factor. These sets as first installed were driven by a three-phase synchronous motor which did not give sufficiently good voltage regulation for laboratory purposes. Accordingly this motor was recently removed and replaced with an induction motor, two Tirrill voltage regulators being installed on two of the direct current generators forming part of the set, thus giving a steady and easily controlled source of current for laboratory purposes.

The total expenditure to date for all of the above equipment does not exceed $6700. The Commission has endeavored to adapt for electrical laboratory purposes basement rooms at 14 Washington avenue, Albany, formerly a private dwelling.

The gas laboratory, established by the former Commission of Gas and Electricity in 1906, was transferred to this Commission in July, 1907. The equipment at that time consisted of two portable photometers, with appurtenances for illuminating power tests; a complete outfit, including chemical supplies for the analysis of gas for sulphur contents; and an eighty-inch closed bar stationary

photometer, used chiefly as a laboratory standard for checking the accuracy of the portable photometers. This equipment was found inadequate to the proper exercise of the enlarged powers of this Commission and has been increased in several respects.

There devolved upon this Commission July, 1910, the duty, theretofore resting with the former State Inspector of Gas Meters, of testing each meter prior to its installation upon the premises of the consumer, and of sealing those meters found to be correct. The Commission succeeded to no facilities for this work. The law also prescribes that every gas corporation shall provide upon its premises suitable apparatus for use in testing the meters furnished by them, and that such apparatus shall be inspected and approved by the Commission. Each of the seven gas meter testers in the employ of the Commission is equipped with devices for sealing meters. And there have been installed in the laboratory a five-foot meter prover and a cubic foot water bottle, standardized by the Bureau of Standards, Washington, D. C., against which is checked for approval the meter testing apparatus provided by each corporation. This meter prover is also used in the regular gas meter testing work, as well as for making special meter tests upon complaints of consumers.

The Commission is given authority not only to establish standards of illuminating power and purity for gas, but is required to enforce compliance with the standards fixed by it or by law. To keep informed as to the quality of the gas supplied, frequent tests are made of the gas of each company. For this purpose four assistant inspectors of gas are employed, under the immediate supervision of a chief inspector. This field work necessitates the use of four portable photometers and four sulphur analysis outfits, two of each in addition to those received from the former Commission. There also has been added to the laboratory equipment an Elliott lamp as a standard in candle-power determinations, two complete outfits for determining the composition of gas in special investigations, a Bristol recording pressure gauge, and several pressure gauges of the U type.

In the special investigation into the desirability of fixing a standard of heat units, referred to fully in preceding pages of this report, a portable calorimeter for heat unit determinations was

purchased in 1908. In recognition of the necessity of continuing this inquiry on a broader basis, in which several of the operative companies will participate, a special appropriation of $2000 for additional apparatus was allowed by the Legislature this year. Accordingly, a calorimeter to be used solely as a primary standard in the laboratory has been purchased, and as necessary appurtenances thereto, instruments to measure definitely the gas burned, the water heated, the temperatures of the gas, water, air, and exhaust products. The calorimeter is placed in a cabinet equipped with a tank for water supply, so arranged that the filtered water used will be of a uniform pressure and temperature. The thermometers for ascertaining the temperature of the water are of the design recommended by the Calorimetry Committee of the American Gas Institute, having a range of from 60 to 110 degrees Fahrenheit, are subdivided to read 0.1 of one degree, and are calibrated throughout their entire range. The thermometers for reading the temperatures of the gas, the atmosphere, and the exhaust products are accurate to within one-half of one degree and are calibrated throughout their entire range. Scales have been provided for accurately weighing the water passing through the calorimeter, and the balance employed has a capacity of ten pounds avoirdupois and gives the correct weight to within 0.001 of one pound. A tank of 50 cubic feet capacity has been installed for the storage of gas used in standardizing work. Other accessories of comparatively minor cost, unnecessary to detail here, have been purchased and are in use in this special inquiry.

The total expenditures to date for all of the above laboratory equipment do not exceed $5500.

Until July of this year this laboratory was located in rooms in the State Power House, Albany. These quarters were small, poorly lighted, and ill suited in every way to laboratory work, and particularly to the standardization tests in which the Commission is now engaged. Rooms better adapted to these purposes have been leased in the Lyon Block, Albany, which the laboratory now occupies.

DIVISION OF STATISTICS AND ACCOUNTS

In the office of the Division of Statistics and Accounts are kept the annual reports filed in compliance with the Public Service Commissions Law, which law makes it the duty of every corpora-

tion under the jurisdiction of the Commission to furnish annually a statement containing such information as may be required by the Commission.

Forms of these reports are prepared and sent to the corporations by that division. These forms indicate the information that is required by the statute or that is desired by the Commission, and carry instructions sufficiently extended to enable a full and accurate return upon all matters concerning which information is asked. It is also the duty of that division, when the reports are returned, to examine them for inaccuracies and misstatements, and to analyze and compile for publication whatever statistical information there is that may be of public interest.

The division has undertaken to examine carefully each report filed with the Commission. Where discrepancies or inaccuracies are discovered, the corporation is asked to correct them. After two years' experience it may be said that the efforts of the division are met by most of the corporations with which it has to deal in a spirit of courtesy and coöperation. The reports filed by a few indicate, however, that there is either an intent to evade the accounting rules or that there is a lack of knowledge as to their requirements. In some cases it has been impossible to secure corrections of apparent misstatements through correspondence; nothing short of an audit of the accounts in many of these cases would produce a correct statement. In other instances, particularly where the corporations have not sufficient business to justify the employment of experienced bookkeepers, the accounting order is taken as something impossible of comprehension. This is believed to be due, however, to a lack of application rather than to any fault in the system of accounts. With the limited force at its command the division has not been able to extend to the small corporations the assistance in arriving at a correct understanding that it would like to extend, but improvement in this direction is hoped for as a future possibility.

The division has been somewhat hampered in its work through its inability to retain for any considerable period of time the services of many of the employees who have been engaged for its work. Against the competition of other state departments and outside employers it has been unable, with the appropriation at its command, to hold together a well organized force, and the year's work has therefore been accomplished under some difficulties.

Section 46 of the Public Service Commissions Law requires every common carrier, railroad corporation, and street railroad corporation to file an annual report with the Commission on or before the 30th day of September in each year. This report is to be for the fiscal year ending June 30th. The Commission may extend the time for making and filing such report for a period not exceeding sixty days. The statute is therefore imperative that such reports must be filed, even when the time is extended by the Commission, on or before the 30th day of November in each year.

Subdivision 6 of section 66 of the same law requires all gas corporations and electrical corporations under its supervision to make an annual report to the Commission; and provides that such report shall be in a form, cover the period, and be filed at the time prescribed by the Commission. The Commission has established the calendar year as a fiscal year for these corporations, and has heretofore allowed a reasonable period subsequent to January 1st in which to make and file such annual report. It has also uniformly granted reasonable extensions of the time for filing such reports, upon due cause shown.

It is greatly to be regretted, that notwithstanding the most strenuous efforts on the part of the Commission short of bringing action for the penalties prescribed by law, some of the corporations under the jurisdiction of the Commission have for various reasons failed to observe the foregoing provisions of law. It is with the utmost difficulty that annual reports are secured from some of the corporations which are required to make such annual report. Many are prompt and occasion no trouble whatever in this respect.

Section 46 of the Public Service Commissions Law provides that if any corporation or person therein named "shall fail to make and file the annual report within the time above specified, or within the time as extended by the commission, or shall fail to amend such report within such reasonable time as may be prescribed by the commission, or shall fail to make specific answer to any question, or shall fail to make the periodic reports when required by the commission as herein provided, within the time and in the form prescribed by the commission for the making and filing of any such report or answer, such corporation or person shall forfeit to the state the sum of one hundred dollars for each and every day it

shall continue to be in default with respect to such annual report, amendment, answer or periodic report."

Section 66 prescribes the following penalty for the failure of a gas corporation or an electrical corporation to make the required report: "Any such person or corporation or municipality which shall neglect to make any such report within the time prescribed by the commission shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same, to be sued for in the name of the people of the state of New York."

During the earlier days of the Commission, and until the corporations had been given sufficient time in which to familiarize themselves with the more extended form of reports prescribed by the Commission, it has been deemed unwise to attempt to enforce compliance with the law by bringing suits for penalties. It is now believed that the time for such leniency has passed. The forms of annual reports have become substantially settled, corporations have had sufficient time in which to install the uniform system of accounts prescribed, have learned how to make the reports properly, and there is no longer any reason why they should not obey literally, except in isolated cases, the requirements of the law with reference to the time of filing the report. The work of the Commission is hindered and embarrassed by the delay which it is believed arises in most cases from mere inattention and neglect. The policy of the Commission hereafter will be to exact the penalty prescribed by law in cases of disobedience to the foregoing provisions.

DIVISION OF TARIFFS

During the year schedules to the number of 17,242 were tendered for filing. In administration, 402 were rejected; and 7190 tariffs, 9091 supplements to tariffs, 1770 tariffs and supplements to tariffs the effective date of which is under postponement until February 1, 1911, and 559 concurrences and other authorizations, were passed into the files. The total number of schedules tendered for filing from July 1, 1907, to November 30, 1910, inclusive, approximates in total more than 81,000.

On November 30, 1909, the date of last report, 10,837 tariffs

were in force and effect. During the twelve months 9466 have been canceled outright or by issuance of superseding tariffs. As shown above herein, 7190 tariffs have been received this year, and at date of this report there are in force and effect 8561 tariffs, classified:

Express companies	272
Steam railroads, freight	6819
Steam railroads, passenger	1018
Electric street and interurban, freight	218
Electric street and interurban, passenger	166
Miscellaneous transportation companies, freight	50
Miscellaneous transportation companies, passenger	18

Reduction made during the year is in number 2276, equal to more than one-fifth of the number of tariffs which were in effect on November 30, 1909. That within such time so great a reduction has been made does not mean that the public is deprived of a large number of rates, fares, or privileges heretofore enjoyed, but it does represent the degree of progress made toward tariff simplification by grouping together and consolidating into a lesser number of schedules, rates, fares, and governing rules and regulations applying upon and to similar articles and like traffic. In this work of tariff revision the express companies show a reduction of 2007; steam railroads: passenger 20, freight 303, with an increase of 240 in the number of articles for which commodity rates are provided; the electric railroads show an increase of 36 freight and 8 passenger tariffs; and miscellaneous transportation companies 5 each both freight and passenger.

Included in the reported number of tariffs canceled are 1338 short term passenger schedules covering low rate excursion fares. Many of these schedules contained fares applying to several different excursions to be run account of different occasions. The comparison of such fares with those made for like occasions in other years shows no marked change either upward or downward, but rather that the same general scheme of rate making obtained.

Applications to the Commission made under section 29 of the law, for permission to change rates or fares upon less than thirty days' notice, have been somewhat less in number than in former years: 535 applications were received, of which 501 were granted and 27 denied, and at the time this report was made 7 were still under consideration. Following the established rule, all orders

granted involved reduction in rate, fare, charge, rule or regulation over the particular rate, fare, charge, rule or regulation then in effect, except in a few cases where it was necessary for carriers to obtain such authority in order that errors clearly typographical or clerical might be corrected. Thirteen of the orders granted were not used. Of those used, 6 related to express traffic; 434 to freight traffic of steam railroads, 21 to passenger traffic of such railroads; 16 to freight traffic of electric street and interurban railroads, 22 to passenger traffic of such roads; and 2 to freight traffic of miscellaneous transportation companies. The number of such orders issued to steam railroads account of freight traffic related to commodities as follows: Brick and clay products 15; fruit and vegetables 10; grain and its products 6; ice 77; lumber and forest products 27; sand and gravel 24; stone 61.

The bulletin showing changes in transportation rates has been regularly issued each week. The total number of items of rate changes made contained in fifty-two numbers was 5507, an average of 106 items per week. To obtain the information published in these bulletins involved the examination of 16,281 new schedules, an average of more than three hundred per week. Since February last, notice has been given in such bulletins of embargoes placed and removed, and they have also contained a synopsis of applications granted by the Commission to make reparation to shippers or consignees, refunding charges on shipments admitted by carriers transporting same to have been unreasonable or unjust.

Express Traffic: Comparatively few changes have been made in merchandise rates, either in those having local or joint application. The record shows, in such changes as were made, that the rates which were decreased were greater in number than were the rates increased. It also shows that many commodity rates applying upon numerous articles and moving between various points have been established, all of which rates were a reduction over the rates before in effect. Several new offices have been opened, and a few at places of minor importance have been closed.

Passenger Traffic, Steam Railroads: The most important changes were those made by the Boston and Albany, Boston and Maine, New York, New Haven and Hartford, and Rutland railroads, increasing their local fares; and by the New York Central

and Hudson River and the New York, New Haven and Hartford railroads in advancing the price for all forms of commutation tickets between New York city terminals and their nearby local stations.

On account of the advances in local fares made by the carriers as above noted, it has increased the cost of travel between such points and points upon other lines throughout the State. This has caused many joint tariffs to be amended or reissued. Other fare changes of importance were those made by The Long Island Railroad Company on account of the opening, for passenger traffic for that road, of the Pennsylvania Terminal station in New York city, and the reduction to basis of practically two cents per mile in price for round-trip tickets between all stations on the Hudson division of the New York Central and the River division of the West Shore railroads.

Street and Interurban Railroads: No material changes were made in fares applying to local one-way travel. It is noticeable, however, that interurban lines are more generally establishing fares applying to round-trip, sixty-trip, and school commutation travel. Many companies have provided such fares for such classes of travel during the year. Fares applying to the sale of interline tickets for through travel have also been provided by several of the larger interurban lines. Several of these companies have made extensions to their lines, and in all cases fares to cover travel to and from points reached by such extensions have been established.

The managements of electric street and interurban properties have given much time and consideration to the subject of uniformity in certain of their rules and regulations relating to passenger travel, with a view of making them conform more closely, in order that they may thereby serve the public with greater convenience. A committee appointed by the New York State Association of Electric and Interurban Railway Companies has the subject under consideration and has held several meetings, at all of which meetings the chief of this division was present. This committee recently submitted a progress report to the Association, which was approved, and the committee instructed to continue its work, all of which trends toward the establishing ultimately of joint tariffs to cover through travel over such lines.

Freight Traffic, Steam Railroads: The changes made affecting freight traffic aggregate in number several thousand, and were made effective by the filing of 3296 schedules: 181 of which related to class rates, 2756 to commodity rates, 104 to switching charges, 24 to absorption of switching charges, and 231 to terminal and transit privileges and other regulations governing the transportation of freight.

Each of the 181 class rate and 2756 commodity rate schedules have been subject to such an analysis as follows: "A schedule making 15 rate changes, 10 of which are reductions, the percentage which the number of reduction changes bears to the total number of changes made would be approximately 67 per cent"; and in the following is shown in Column No. 1 the traffic classification, in Column No. 2 number of schedules changed relating to such traffic, and in Column No. 3 the approximate percentage which the number of reductions bears to total number of rates changed:

Column No. 1	Column No. 2	Column No. 3
Class rates	181	66
Commodity rates:		
Brick, Clay, and Clay products	183	77
Cement, Lime, and Plaster	185	78
Dairy Products	61	79
Fertilizers	21	52
Fruit and Vegetables	91	84
Grain and Grain Products	193	49
Hay and Straw	24	83
Ice	130	92
Iron and Steel	232	74
Live Stock	47	66
Lumber and Forest Products	386	76
Oil, Petroleum and Petroleum Products	51	62
Paper, Board, and Pulp	121	79
Sand, Gravel, and Stone	460	73
Soda and Soda Products	23	76
Miscellaneous Commodities	548	78

The purpose to be served by the above table is only to show the number of rate changes which carriers were required to make to properly care for the traffic movement to meet changes in business conditions, in order that the products from points of supply might be disposed of in the market points of demand. It relates only to number of rate changes and not to reductions in the rates themselves. Close analyses of the schedules filed show that so far as rates are concerned they have been subject to no general advance, yet the tendency has been to increase the total of the carrier's charge. This has been accomplished in instances without change

in rate by changing the carload minimum requirement to a higher basis; in other instances by lowering the per ton basis on certain articles from 2268 pounds, or 2240 pounds, to 2000 pounds.

A commodity rate applying to a certain article between certain points may have been canceled, restoring such article to classification, the class rate applying between same points having before been revised to a lower basis than was the class rate before in force. In the number of rate changes in such an instance the one change offsets the other, but in effect the rate on the article shipped is advanced. If, as has been done frequently, a new commodity rate upon a higher basis than the old but lower than the new class rate is subsequently established, we then get in number of rate changes two decreases to one increase, and still the rate is advanced on the article shipped.

A number of new stations were established and one short railroad, the Dexter and Northern, opened. In each such case class and commodity rates of local and joint application were put in force. The record also shows many additional facilities granted and allowed in terminal and transit regulations.

The car demurrage rules and regulations approved by the National Association of Railway Commissioners have been adopted generally by carriers throughout this jurisdiction.

In the opening of this report mention was made of 1770 schedules passed into the files, the effective dates of which were under postponement. All these schedules contained changes which advanced rates relating to transportation of property between points within this State, and were first filed to take effect on July 1, 1910, or on dates subsequent thereto. They were a part of the general scheme to advance rates throughout official classification territory, which rate advances are now the subject of investigation by the Interstate Commerce Commission. The effective dates of these schedules have been postponed by special permission of this Commission from time to time, pending termination of the Interstate Commerce Commission's investigation.

Street and Interurban Railroads: Many street and interurban railroad companies do no freight or express business. Generally, those that do engage in the transportation of property conduct the business upon a plan which is a combination of methods used by

both express and steam railroad companies. During the year 89 schedules relating to transportation of property were filed, and the same analysis, without classification, has been made of them as was made of the freight schedules of steam railroad companies, and the percentage which the number of reduction changes bears to the total number of changes made was found to be approximately 71 per cent.

Telephone and Telegraph Rates, etc.: Section 92 of the amended Public Service Commissions Law, in effect September 1, 1910, required telephone and telegraph companies subject to supervision by this Commission to file with it copies of their schedules. Many such schedules have been filed, but since filing no changes have been made therein.

Complaints and Other Matters: Four hundred and nineteen memoranda and twenty-two statements have been made for use in matters of complaints and applications to make reparation. Orders to make reparation on applications received have been granted to the number of one hundred and forty-five, the amount of reparation involved being $11,104.90. A reissue has been made of the regulations governing the construction and filing of tariffs of railroad corporations, and considerable progress has been made in the preparation of similar regulations to govern the construction and filing of schedules of each gas, electrical, and telephone corporations.

The record shows that there has been no material shortage in car supply, and that since February 1, 1910, embargoes upon various kinds of freight traffic were placed at different points in twenty-nine instances. All such embargoes were of short duration, and none were in effect on November 30, 1910.

STEAM RAILROAD INSPECTION

All of the railroads operated by steam as a motive power, within the jurisdiction of this Commission, have been inspected during the past year. The total line mileage of roads inspected is 8160.38; the total main track mileage is 11,546.50; the total of sidetrack and yard track mileage is 4899.66 miles, making a total mileage of all tracks of 16,445.96 miles.

Primarily, the purpose of such inspection is to determine

whether the various lines are in safe condition. Numerous other purposes are subserved by such inspection, among the most important of which is inspection of station and yard facilities with a view of determining their adequacy and efficiency. The points to be covered by such inspection are very numerous, and the following is a statement of the principal of them:

1. General description of line: length of main line, length of second and third and additional tracks, length of sidings and yard tracks.

2. General characteristics of road: as to the grades and curvatures, maximum grades and curves on main line, and where located.

3. Inspection of cuts and embankments with reference to width and slopes, condition of retaining walls, drainage.

4. Tunnels: inspections in regard to safety.

5. The inspection of bridges, trestles, open culverts, cattle-passes, arch and box culverts, and drains.

6. Cross-ties: kind and condition, dimensions, and number used per mile of track.

7. Rail: weight, condition, and connections; observation of spiking used.

8. Switches: kind and condition; condition of switch stands, and of switch and signal lamps; whether derailing switches are used on sidings to prevent cars fouling main track on descending grades.

9. Maintenance of track: gauging, alignment, surfacing, and elevation of outer rail on curves; kind and condition of ballast.

10. Grade crossings of one railroad by another, whether steam or electric; description of protection; signals and interlocking used.

11. Right of way: condition, whether proper attention has been given to the removal of trees, brush, and weeds; maintenance of fences.

12. Grade crossings of highways: grading of approaches, planking between rails, kind and condition of crossing-signs, maintenance of cattle-guards; protection of crossings by flagmen, gates, or bells.

13. Mile- and whistle-post maintenance.

14. Overhead obstructions: bridges, tunnels, or otherwise, endangering brakemen riding on top of car; condition of warning signals; observation regarding possibility of removing obstructions.

15. Track maintenance: length of sections, average force maintained in section gangs, system of track inspection by trackwalkers.

16. Interlocking plants: description and observation of maintenance.

17. Block system, signaling, and train control: methods used, and suggestions regarding improvement.

18. Stations and buildings: whether sufficient for the service and properly furnished; observation of sanitary condition.

19. Freight yards and terminals: conditions and adequacy.

The reports of these inspections will be published as an appendix to this report.

It is the practice of the Commission to transmit copies of the reports of inspectors, as soon as practicable after they are made, to the railroad companies affected thereby, and constant efforts are made to secure the correction of defects pointed out by the inspectors and to have their recommendations observed. In all inspections, so far as practicable, special note is made of the compliance, or otherwise, with recommendations previously made. The inspectors report that the recommendations made in the year 1909 have apparently been given consideration; and that in a majority of cases where specific recommendations were made, some effort toward their accomplishment has been observed. In one or two instances nothing had been done toward carrying them out. Most of the steam railroad corporations have shown, as heretofore, a commendable desire to coöperate with the Commission in obtaining a proper condition of track and other properties essential to safe operation.

The inspectors of the Commission have called attention to several matters which deserve brief mention at this place. Such mention at this time is principally by way of suggestion and as a foundation for future studies.

Maintenance of Track Expenditures: Considerable study has been given to the expenditures for the maintenance of track by each of the various lines interested, with reference to the percent-

ages of cost for labor and for material in such maintenance. The result of such study indicates that in many cases the best possible results have not been obtained in such expenditure. The ratio of the cost of labor to the total cost of track maintenance has been so large on a number of roads as to give the impression that sufficient materials have not been furnished to get the best results from the labor expended. It would seem that the labor has not been supported by the necessary materials in order to make its effects fairly permanent; that a great deal of patching has been done, the expenditure for which would have been much more efficient had the necessary materials for permanent work been provided.

The ratio of the total cost of labor for track maintenance to the total cost of labor and materials varies upon different lines within the State from 32.20 per cent to 76.40 per cent. The inspectors have noted that on most lines where the ratio of labor expended to total expenditure was high, the track conditions were of a lower standard than on lines where the two items were more nearly equalized. The effects of labor unsupported by the necessary materials are not permanent in such work as the aligning, surfacing of track on ballast that should be renewed, the surfacing of rails having broken and worn splices, the gauging of track on worn or decayed ties and on ties not provided with tie-plates; in the surface ditching where tile underdrainage is needed, and in the tightening of worn thread bolts. The purpose of track maintenance is to provide properly for the carriage of the amount and weight of traffic passing over the tracks. The traffic produces a certain amount of wear which is directly proportional to the standards of maintenance observed. That is to say, the wear on first-class track is less under the same traffic than that on poorly maintained track. It is apparent that it is necessary that a certain standard of maintenance which will reduce the wear of the traffic to a minimum shall be adopted and attained, if possible, in the interest of economical operation.

Inspections have, of course, included lines carrying very light and infrequent traffic on which the superficial wear is practically nothing, and lines carrying heavy, dense traffic on which the wear is at a maximum. Some of the light traffic lines seem to act upon

the idea that the only items to be taken care of in track maintenance are labor and tie renewals. Observations seem to indicate that this theory of maintenance is entirely wrong and that the best possible results are not being attained by the expenditures made. Drainage is not sufficiently attended to and scarcely any new ballast is being installed on some of this class of roads. Under these conditions the track and roadway may be safe but they are not in such condition as will best conserve the interests of the property. On these light traffic lines the ratio of the amount expended for track labor to the total expended for track material and labor varies between 70 per cent and 80 per cent. By a judicious handling of the labor it is probably possible to install quite a considerable amount of new material such as ballast, new splices and bolts, drainage material, and the like, at a slight cost, and at the same time to reduce the charges of aligning and surfacing track. When once properly installed these materials tend to eliminate the necessity for a considerable amount of labor which has previously been expended in maintenance.

In addition to the increased maintenance charges which poor track or materials produce, there is an unascertainable element of increased charges for car and engine repairs which must be assigned to poor track conditions.

The question naturally arises as to what ratio of labor to materials represents the most efficient expenditure. This very important question will receive further consideration and study during the ensuing year.

Track Alignment and Surface: As inspections are now conducted, it is difficult to definitely report improvements or retrogressions in the alignment and surfacing of tracks. The reasons for this are obvious. Decided general improvements, such as new rail, new buildings, extensive tie renewals, and the like, can be noted and reported. The results of labor on track, however, are more or less cumulative when properly prosecuted, and these are only noticeable from daily association or a scientific means of comparison of the results of one inspection with those of a previous inspection. No inspector can possibly make a record of every case of poor alignment or poor surface, and the improvement of conditions in these respects through the agency of the

Commission can only be from accurate comparisons of conditions from year to year. Good surface can not be maintained by labor alone. A proper expenditure for materials is necessary. Mere visual inspection will not reveal whether the surfacing is better or worse than that found at a previous inspection.

These facts lead to the inquiry whether in time it may not be the proper policy of the State to require more detailed attention to track conditions by the use of a dynagraph or track indicator car, which graphically records the general conditions of track lines and surface, gauge, superelevation, speed of train movement, distance traveled, etc. If such a car were available, periodic comparisons could be made and the amount and extent of improvements could be definitely ascertained.

Telephone Train Dispatching: The use of telephones in train dispatching is supplanting the Morse telegraph system on a number of lines. On some roads a portable telephone equipment is carried on passenger trains, thus giving the conductors of such trains a direct communication with the dispatcher in the event of trouble at outlying points.

Rail Breakages: Roughly computed, the number of rails in the main tracks of the railroads in the State of New York may be taken to be upward of four millions. The rail breakages for the year ended June 30, 1910, as reported to this Commission, number 3885: a small percentage, indeed, of the total number of rails in use, but a large number when considered with reference to the damage likely to ensue therefrom. How much of this breakage is due to imperfections in manufacture, and how much of it to faulty track, has not been determined with any degree of accuracy. It would seem that careful study should be given by those in charge of the track to a determination of the cause of breakage, thus making it possible to place the fault where it belongs.

INSPECTION OF STEAM RAILROAD EQUIPMENT

This work has been carried on, as in previous years, under the immediate direction of the supervisor of equipment. As authorized by the last Legislature, two assistants have been appointed, after civil service examination. Both men have had extensive experience in locomotive operation: Mr. J. A. Talty of Buffalo having been traveling engineer on the Delaware, Lackawanna and

Western railroad, and Mr. J. J. Gill traveling engineer on the New York Central and Hudson River railroad. Practically the entire time of these men has been devoted to the inspection of locomotives and to the repair and terminal facilities attached to the mechanical department of the various railroads in this State. Considerable attention has also been given to the passenger car equipment of the smaller railroads.

The detailed report of the supervisor of equipment covers the general inspection of 3212 locomotives and 170 repair terminals on 63 railroads; 96 passenger cars on 23 railroads; 30 field investigations of accidents; and 101 correspondence investigations of accidents. A large amount of attention has also been given by this department to the reports of train movements and engine failures, and particular attention has been given to the reports of trains which have shown excessive delays.

The work of this division in the inspection of coal burning locomotives operating in the Adirondacks, and in connection with the enforcement of the order made by this Commission requiring oil to be burned on certain locomotives during the period of fire risk in the Forest Preserve, has been continued during the past year. Considerable attention has also been given to the improvement of spark-arresters and ash-pans of locomotives operated in other localities.

It has been possible through the additional force in this department to make a personal inspection of 63 per cent of the locomotives which are regularly assigned to service in the State. All of the terminals in which locomotives are housed or repaired have been visited. On some of the roads, practically all of the locomotives have been personally inspected; and on the larger roads a sufficient percentage has been examined to enable a fair judgment to be reached as to the average condition of the power. Of the locomotives assigned regularly to service within the State, practically 88 per cent were in operation or ready for operation at the time of inspection, and 12 per cent were in the general repair shops or were held awaiting repairs.

The general results of the inspection of all of the companies operating within the State are as follows:

Summary of General Inspection of Locomotive Equipment, 1910:

Number of locomotives assigned to service in State	5103
Number of locomotives in and awaiting shops	607–11.7%
Number of locomotives in and available for service	4496–88.3%
Number of locomotives inspected	3212–62.9%
Locomotives inspected, in general good or fair condition	3058–96.2%

Nature of Defects:

Machinery in general bad condition	154– 4.8%
Boilers, flues, and fireboxes leaking	273– 8.5%
Foundation rings leaking	459–14.3%
Air-brake equipment defective	243– 7.6%
Safety appliances defective	227– 7.1%
Tender trucks defective	217– 6.8%
Boiler mountings in cabs leaking	170– 5.3%
Boiler mountings outside of cabs leaking	493–15.4%
Metallic packing leaking	276– 8.5%
Driving-wheel tires in bad condition (worn over $\frac{3}{8}$ inch)	46– 1.4%

As the result of these inspections, recommendations have been made to the officers of the various companies interested suggesting the improvement of existing conditions of the power and repair facilities to secure better service. These recommendations have been principally along the following lines: Improved inspection and maintenance of safety appliances and brake equipment; stopping of steam leaks in boilers, packing, and pipe connections; improved maintenance of machinery; care and maintenance of headlights, classification lamps, etc.; design and maintenance of spark-arresters and ash-pans; and the improvement of inadequate repair and terminal facilities.

The recommendations made have generally been complied with and no formal orders have been necessary. The inspectors report that the officers of the railroad companies have in general made a determined effort to rectify defects as quickly as possible after criticisms have been made. An increased personal interest has also been manifested by the operating and executive officers in the maintenance of locomotive equipment and in the repair and terminal facilities.

The equipment inspectors report that a decided improvement has been made by most of the railroads during the past year in the condition of locomotives. During the year 1909 a rigid reduction of expenses was enforced in general repair shops and at locomotive terminals. In many shops the force was not employed more than two-thirds of full time, and this reduction in force was reflected to a considerable extent in unsatisfactory freight and passenger service last winter. Since March, 1910, practically all of the

general repair shops and locomotive terminals in this State have been operated on full time, and in many instances with increased force, and as a result it is believed that the majority of the railroads of the State are going into the present winter with their locomotive equipment in decidedly better condition than in the corresponding period of last year. There are, however, some serious cases of lack of power, and the attention of the railroads involved has been called to the necessity of purchasing additional equipment to handle the present volume of business and to afford a satisfactory margin for severe winter service.

In order to make the equipment inspection as effective as possible during the coming year it is planned to make short inspection trips within two or three months after each general inspection, to ascertain whether the recommendations made are receiving satisfactory attention.

Previous reports have mentioned the need of special supervision of equipment on some of the smaller roads. Some of these roads are lacking in repair facilities and have no efficient repair force, and in some cases there is a lack of proper supervision which results in failure properly to maintain the brakes and safety appliances as well as other machinery. Special inspetcion will be continued during the coming year of such railroads as are known to be weak in these particulars.

Investigation of Accidents: A large number of accidents involving defective equipment have been investigated by this division either by correspondence or personally. The following are the principal causes of the accidents thus investigated:

Broken axles	18
Broken truck arch-bars	13
Broken truck bolster	1
Broken tires	3
Broken wheels	35
Broken journal-box brass	1
Broken journal-box bolts	1
Broken journal-box	1
Broken side rods	2
Broken water-glass	1
Defective wheels	6
Loose tires	9
Defective freight cars	2
Defective brake rigging	10
Failure of air-brakes	6

These investigations show in many cases that the accidents could have been avoided by more rigid inspection and a higher

standard of maintenance. Attention has been called in previous reports to the failure of castiron truck wheels. The accidents investigated during the last year show 35 from this cause, or 26 per cent of those investigated by the equipment department. The failure of castiron truck wheels under heavy freight equipment is the cause of a considerable number of freight derailments, and the importance of a change in the design and in the character of material used in wheel construction is, we believe, realized by the leading wheel manufacturers and by the railway mechanical officers.

Passenger Train Delays: A summary of the records of passenger train delays which have been received and analyzed is given in the following tables for the year ended October, 1910.

The first table shows variation in train delays by months, and indicates clearly the serious delays due to the severe weather conditions of last winter. The best months of the year are April, May, and June, when the weather conditions are favorable and the passenger movement comparatively light. For July, August, and September, when the summer passenger traffic is heavy, the delays again become important.

The second table shows the reported results of train movement for all roads in the State which make reports to the Commission, and enables a rough comparison to be made of the service given by the different roads.

Comparison of Train Movement Reports for year ended October, 1910, All Railroads:

Month.	Number of trains reported.	Number of trains late.	Per cent of trains on time.	Average minutes late per train reported.
1909.				
November	54,891	8,909	84	4.1
December	60,385	15,265	75	10.0
1910.				
January	59,583	16,098	73	10.8
February	53,907	15,599	71	12.5
March	60,202	8,897	85	4.4
April	56,919	5,664	90	2.2
May	59,065	6,294	89	2.4
June	63,717	7,677	88	2.5
July	68,715	12,518	82	4.6
August	71,300	13,351	81	4.3
September	66,911	16,279	76	6.2
October	63,648	11,460	82	3.9

Movement of Passenger Trains and Average Delay for the Year Ended October, 1910, Based Upon the Monthly Reports to the Commission:

Railroad.	Number of trains reported.	Number of trains late.	Per cent of trains on time.	Average minutes late per train reported.
Bath & Hammondsport	3,266	614	81	3.5
Boston & Albany	14,206	2,203	85	4.7
Boston & Maine	17,108	4,774	72	7.6
Buffalo, Attica & Arcade	1,329	547	59	33.7
Buffalo, Rochester & Pittsburgh	8,868	2,822	68	7.6
Buffalo & Susquehanna	3,409	1,040	70	15.2
Central New England	10,726	2,096	80	4.6
Dansville & Mt. Morris	1,880	73	96	1.2
Delaware & Eastern	1,723	151	91	2.1
Delaware & Hudson	59,730	9,090	85	4.2
Delaware, Lackawanna & Western	15,290	2,002	87	3.7
Dunkirk, Allegheny Valley & Pittsburgh	1,423	214	85	3.0
Erie	85,500	14,803	83	5.1
Fonda, Johnstown & Gloversville	4,101	565	86	3.0
Genesee & Wyoming	621	30	95	0.9
Greenwich & Johnsonville	2,895	394	87	2.0
Lake Shore & Michigan Southern	11,996	5,045	58	17.0
Lehigh & Hudson River	3,048	751	75	5.1
Lehigh & New England	339	66	80	4.6
Lehigh Valley	22,859	4,694	80	6.7
Little Falls & Dolgeville	2,599	93	97	0.7
Long Island	35,369	6,037	83	2.6
Lowville & Beaver River	1,842	524	72	7.3
Michigan Central	12,657	4,768	62	10.4
New York Central & Hudson River	285,232	53,681	81	5.9
New York, Chicago & St. Louis	2,190	767	65	11.7
New York, New Haven & Hartford	59,203	4,709	92	1.4
New York, Ontario & Western	22,704	7,104	69	10.2
New York & Ottawa	1,252	423	66	12.5
New York & Pennsylvania	1,232	300	76	16.4
Northern Central	3,338	434	87	4.6
Norwood & St. Lawrence	2,504	21	99	0.2
Pennsylvania	10,914	2,580	75	8.5
Pittsburg, Shawmut & Northern	4,494	1,075	76	7.1
Rutland	5,744	1,678	71	12.2
Schoharie Valley	986	84	92	3.8
Silver Lake	3,558	311	92	1.5
Ulster & Delaware	6,548	1,007	85	4.0
Unadilla Valley	1,460	97	93	2.4
Totals	734,103	137,637	81	5.6

It is not fair to make exact comparisons on the basis of the figures given in the second table in all cases, because of the great variation in the service and in the character of the business. Roads, for instance, which have a large proportion of suburban passenger business, consisting of trains making short runs, are in much better position to maintain a good average record than those which only operate a few long distance passenger trains in connection with a heavy freight movement. Under the latter conditions it is extremely difficult to keep the passenger trains uniformly on time. Roads having a light passenger traffic, which must be accommodated to a considerable extent by mixed trains, have of course peculiar difficulty in maintaining a good record. After making all due allowances, however, there seems to be good reason for the belief that the service of some of the railroads in this State, as

shown by this record, is not adequate, and that it is therefore proper to demand a decided improvement in the future.

An analysis has been made of the reported causes of delays for the current twelve months compared with the corresponding period of 1909 which indicates as follows:

Nature.	Per cent of delays caused.	
	1910.	1909
Engine failures	6.1	7.8
Failures of other equipment	1.8	2.4
Wrecks	4.9	6.5
Unfavorable condition of track	2.8	2.8
Waiting for trains on other divisions	33.4	27.6
Waiting for train connections with other railroads	13.4	13.2
Meeting and passing trains	6.1	6.9
Signals	1.2	1.4
Trains ahead	7.7	7.3
Waiting for orders	0.2	0.2
Train work at stations	14.1	16.4
Storms	2.4	1.3
All other causes	5.9	6.2

Engine Failures: The reports of engine failures have been continued along the same lines as in previous years. The present form of report appears to be reasonably satisfactory. The record of engine failures for the railroads which operate the largest amount of locomotive mileage in the State is given in the following table, year ended October, 1910:

Name of road.	Passenger, miles run per failure.	All classes, miles run per failure.
Boston & Albany	10,903	18,064
Boston & Maine	3,894	4,237
Buffalo, Rochester & Pittsburgh	13,132	10,988
Delaware & Hudson	6,488	9,031
Delaware, Lackawanna & Western	11,889	18,157
Erie	7,264	9,278
Lehigh Valley	8,670	11,925
Long Island	11,776	14,330
New York, New Haven & Hartford	9,993	6,136
New York Central & Hudson River	7,819	10,394
New York, Ontario & Western	2,891	2,668
Pennsylvania	8,295	18,332
Rutland	8,378	10,249

These figures show a very high degree of efficiency in the operation of locomotives on some of the roads. The improvement in motive power on the Boston and Albany railroad under the present management has been remarkable and justifies high praise. This improvement is indicated by the following figures showing the miles run per engine failure for all classes of trains:

For the seven months ended October, 1908..... 4,170 miles.
" " year ended October, 1909 ..... 15,006 "
" " " ended October, 1910 ..... 18,064 "

The Delaware, Lackawanna and Western railroad as shown by the reports to the Commission has always shown a high state of efficiency in motive power operation. Notable improvement has been made by the Erie railroad, as indicated by the engine failure reports and by the reports made to the state boiler inspector. When the Commission was inaugurated, the unsatisfactory motive power conditions on the Erie, due principally to labor troubles, became one of the first subjects for investigation. The Commission was assured by the manager of the company that satisfactory improvement would be made and that no formal orders by the Commission were necessary. This promise has been kept. The reports of our boiler and equipment inspectors, made after a careful examination of the Erie equipment, show great effort on the part of that company to reach the highest state of efficiency.

The analysis of the reported causes of engine failures for the current twelve months, compared with the corresponding period of 1909, shows as follows:

Nature.	Per cent of failures caused.	
	1910.	1909.
Hot bearings	9.4	16.1
Low steam	19.0	13.5
Leaking steam connections	15.5	29.1
Broken machinery	21.2	22.5
Miscellaneous, such as loose nuts, bolts, tires, wheels, burst airhose, etc.	32.3	35.8

Adirondack Forest Fire Investigation: Full statements have been given in previous annual reports of the work of the Commission in this matter, pursuant to the complaint of the Forest, Fish, and Game Commissioner asking for an investigation of fires caused by railroads in the Adirondacks, and for a decision as to the necessity of a change in fuel. As a result of this investigation, the Commission ordered the railroads operating within the Adirondack Forest Preserve to burn oil upon all locomotives operated in the daytime from April 15th to November 1st of each year, but permitted the use of coal burning locomotives at night, provided such locomotives had been examined by the inspectors of the Commission and certificates of inspection issued. The proceedings in this matter were held open for

further investigation; and the importance of the subject to the interests of the people of the State has warranted the expenditure of a large amount of time upon it by the equipment inspector during the past year.

According to the Commission's order, the New York Central and Delaware and Hudson companies each placed two experimental oil burning locomotives in service in the summer of 1909, and made a large number of experiments with spark-arresters on coal burning locomotives. After the experimental use of the two oil burning locomotives, the New York Central petitioned the Commission for an extension of time for one year, of the order requiring oil burning. After inquiry, the Commission decided —

1. That the supplementary petition of The New York Central and Hudson River Railroad Company be denied.

2. That the time for the complete installation of oil burning locomotives be extended from April 15, 1910, as follows:

Two oil burning locomotives to be placed in service by April 15, 1910;

Three additional May 1, 1910;

Ten additional June 1, 1910;

Ten additional July 1, 1910;

The remainder by August 1, 1910.

3. That the portion of the order in this matter issued April 1, 1909, authorizing the use of coal burning locomotives at night, be modified to permit the use of such locomotives through to destination if the trains to which they are attached are not more than two hours late; and provided that such trains are regularly scheduled to operate within the Forest Preserve between the hours of 8 p. m. and 8 a. m.

The New York Central and Hudson River Railroad Company later made application for exemption of switch engines used entirely in the Fulton Chain and Tupper Lake Junction yards, and for the inspection engine "Mohawk". After investigation by the supervisor of equipment the exemptions were granted.

Upon application exemptions were also granted to the Delaware and Hudson Company for the inspection engines "Saratoga" and "Transit," for the switch engine at Standish, and for four narrow-gauge engines which operate solely at Lyon Mountain on the Chateaugay branch.

The Cranberry Lake railroad was granted an extension of time of one year, in the operation of the oil burning order for its locomotives, it having been shown that the officers of that company had continuously used extra precautions to prevent fires.

The above exemptions were granted after careful consideration in each case, and were approved by the Forest, Fish, and Game Commissioner. In each exemption, thorough inspection of the coal burning locomotives by our equipment inspector was provided and certificates of inspection were required for each locomotive as a condition of its operation.

In compliance with the Commission's order, the New York Central lines placed 23 oil burning locomotives in service during the season of 1910, distributed as follows:

Mohawk and Malone	18
Carthage and Adirondack	3
New York and Ottawa	2
Total	23

Oil storage stations, ranging in capacity from 38,000 to 150,000 gallons, were located at Utica, Fulton Chain, Tupper Lake Junction, Saranac Lake, and Malone Junction on the Mohawk and Malone railway; and at Carthage on the Carthage and Adirondack railway; the New York and Ottawa railway has no storage stations, but receives its supply from the Mohawk and Malone railroad at Tupper Lake Junction. No engine failures have been reported which can be fairly charged to the oil burning apparatus.

The Delaware and Hudson Company placed 10 oil burning locomotives in service during the past season. No general oil storage plants were installed by this company. The oil is received in tank cars and is pumped direct from them to the oil tanks on the locomotives. While no engine failures have occurred on the Delaware and Hudson which can be fairly charged to oil burning apparatus, some trouble has been experienced with wide firebox boilers on account of fireboxes and flues leaking. This trouble was not, however, of such a nature as to cause train delays.

We have no official data as to the comparative cost of oil and coal as shown by the experience of 1910, but are unofficially informed that the consumption of oil is about as follows: New York Central passenger service, from 6.1 to 7.2 gallons of oil per

mile; freight service, 10 gallons per mile. Delaware and Hudson Company passenger service, from 3.6 to 5.4 gallons per mile; freight service, 9.8 gallons per mile. The lower consumption in the Delaware and Hudson passenger service is probably due to the average train being lighter than on the New York Central.

Because of the consent of the Commission to the use of coal burning locomotives at night, it has not been found necessary to equip nearly as many locomotives with oil burning apparatus as was originally estimated. The actual number equipped was as follows:

New York Central, Adirondack division	19
Carthage and Adirondack	2
New York and Ottawa	2
Delaware and Hudson	10
Tota	33

The total cost of equipping locomotives, building storage tanks, etc., is shown by the following:

Cost of Equipping Locomotives for Oil Burning:	
New York Central, Adirondack division	$14,796
Carthage and Adirondack	1,300
New York and Ottawa	1,300
Delaware and Hudson	7,800
Cost of Storage and Service Tanks:	
New York Central, Adirondack division	5,876
Carthage and Adirondack	1,516
New York and Ottawa	.....
Delaware and Hudson	665
Total all installation and equipment cost	$33,253

No serious difficulty has been found in the practical use of oil as a fuel. The question is simply one of cost, and this is decidedly less than the estimate upon which the Commission based its order.

No special locomotives were found to be necessary, the ordinary locomotives having been changed for oil burning without serious difficulty. For this purpose the New York Central used one of its standard classes of locomotives having a grate area of 55 square feet. The Delaware and Hudson used several locomotives with wide fireboxes which were built for anthracite coal, with 85 square feet of grate surface. The large grate area of the latter locomotives appears to be unsuitable for the economical consumption of oil and increases the cost of firebox repairs. The Delaware and Hudson Company has therefore ordered seven locomotives with

narrow fireboxes especially designed for oil burning, to be ready for service next spring. One of these locomotives will probably be equipped with a superheater, with a view to reducing the consumption of oil as much as possible.

With the experience of the year 1910, the use of oil burning locomotives in the Adirondacks may be said to have entirely passed the experimental stage, and no satisfactory reason has yet been presented to the Commission against the continued use of oil for day service during the period of fire risk.

The provision in the Commission's order authorizing the use of coal burning locomotives at night has been criticised to some extent, but this part of the order appeared to be thoroughly justified by the evidence taken in the case and the Commission has not yet received any definite information tending to show that the order should be modified in this respect. In accordance therewith, inspection was made of the spark-arresters and ash-pans of 89 locomotives, 11 of which were found to be in defective condition at the first inspection. The decided improvement in this respect is shown by comparison with the year 1909, when the spark-arresters and ash-pans of 109 locomotives were inspected, 67 of which were found to be defective upon first inspection.

STREET RAILROAD INSPECTION

August 29, 1910, an assistant inspector of street railroads was appointed. This much needed addition to the inspection force, which until that time consisted of one man, has materially facilitated the work of street railroad inspection, and will in the future permit of proper attention being given a number of important matters affecting service furnished by street railroad companies.

During the calendar year 32 accidents and 31 complaints have been investigated.

Inspections: During the year the following street railroads have been inspected:

Albany and Hudson Railroad (partial inspection); Auburn and Northern Electric Railroad; Auburn and Syracuse Electric Railroad; Binghamton Railway; Black River Traction; Buffalo and Depew Railway; Buffalo and Lake Erie Traction; Buffalo, Lockport and Rochester Railway; Buffalo Southern Railway (partial inspection); Buffalo and Williamsville Electric Railway; Catskill Electric Railway; Chautauqua Traction; Corning and Painted Post Street Railway; Cortland County Traction; Elmira, Corning

and Waverly Railway; Elmira and Seneca Lake Traction; Elmira Water, Light and Railway; Fishkill Electric Railway; Fonda, Johnstown and Gloversville Railroad (partial inspection); Geneva and Auburn Railway; Hornellsville Electric Railway; Hornellsville and Canisteo Electric Railway; Hudson Valley Railway (partial inspection); International Railway (partial inspection); Ithaca Street Railway; Jamestown Street Railway; Keeseville, Ausable Chasm and Lake Champlain Railway; Kingston Consolidated Railroad; Lewiston and Youngstown Frontier Railway; Nassau County Railway; New Paltz, Highland and Poughkeepsie Traction; New York, Auburn and Lansing Railroad (Electric division); New York and Stamford Railway; Niagara Gorge Railroad; Oneida Railway (partial inspection); Oneonta and Mohawk Valley Railway; Ontario Light and Traction; Orange County Traction; Paul Smith's Electric Light, Power and Railroad; Penn Yan, Keuka Park and Branchport Railway; Plattsburgh Traction; Poughkeepsie City and Wappingers Falls Electric Railway; Rochester, Charlotte and Manitou Railroad; Rochester Railway; Rochester and Eastern Rapid Railway; Rochester and Sodus Bay; Rochester, Syracuse and Eastern Railroad; Schenectady Railway (partial inspection); Syracuse, Lake Shore and Northern Railroad (partial inspection); Syracuse Rapid Transit Railway (partial inspection); Syracuse and South Bay Electric Railroad; Syracuse and Suburban Railroad; Tarrytown, White Plains and Mamaroneck Railway; United Traction Company (partial inspection); Utica and Mohawk Valley Railway (partial inspection); Warren and Jamestown Street Railway; Westchester Electric Railroad (partial inspection); Western New York and Pennsylvania Traction; Yonkers Railroad (partial inspection).

General Conditions of Roads Inspected: On the inspection of these roads, and the observation of physical conditions on others, it was found that the track, roadbed, and structures of the electric roads in this Public Service District are generally maintained in a proper condition for safe operation. The condition of track and roadbed on interurban roads more seriously affects safety of operation than on city roads. All the companies operating the former class of roads have during the past year been liberal in their maintenance expenditures: a large number of tie renewals have been made; a large amount of ballast has been put in; cuts have been sloped and ditched; shoulders have been widened on fills; in a number of cases right of way has been cleared of trees and brush which obstructed vision; and in nearly all cases a sufficient track force is maintained.

A large proportion of the above improvements has been made in compliance with recommendations of this Commission based on previous inspections.

That the high speed interurban roads are maintained in good operating condition is shown by the fact that during the past year

very few, if any, accidents have occurred on them which were directly attributable to defective track or roadbed.

There were no failures of structures of any kind on any of the roads, city or interurban, during the year.

Cars: Generally, cars are maintained in good condition. During the past two years there has been a decided improvement in the maintenance of cars, especially in appearance and cleanliness. That this is in a measure due to inspection and investigation of complaints there can be no doubt.

Several of the companies have increased shop facilities which enable them to maintain equipment in a higher state of efficiency and add to the reliability of service.

The use of air-brakes on city cars is being extended.

A number of additional pay-as-you-enter cars have been put in service during the year. These cars generally seem to receive public approval.

Accidents: During the year ended June 30, 1910, there were 1306 accidents on street surface railroads, including city and interurban roads: 1070 were of a minor character, such as persons falling from cars, vehicles being struck by cars, etc., on city lines; 29 were head-on collisions; 104 were rear-end collisions; 90 were derailments; 13 occurred at grade crossings of steam railroads. Of the above accidents, the following occurred on interurban roads: 3 head-on collisions; 9 rear-end collisions; 21 derailments; 1 at grade crossing of steam railroad. None of the derailments on interurban roads was caused by defective track or broken rails: 13 of the derailments on these roads were caused by running through switches, nearly all at meeting points where cars were running at slow speed; 8 were the result of brake-beams and other parts of the equipment dropping, and other causes.

Persons Killed and Injured: There were 122 persons killed and 1521 injured during the year as the result of the operation of electric cars on city and interurban roads. Of these, 13 passengers were killed and 726 injured, 11 employees killed and 97 injured, 98 trespassers killed and 698 injured.

During the year there were no passengers or employees killed

on interurban cars, and 97 were injured. Of these, 10 were injured in head-on collisions, 50 in rear-end collisions, 35 in derailments, and 2 at grade crossings of steam railroads.

The above statements of accidents are based on the reports received from operating companies. These include persons who received slight injury, such as being cut by broken glass, bruises, sprains, and shock, which in a measure accounts for the large number of passengers injured.

Trespassers killed and injured include persons struck by cars while walking or riding on city streets.

The above figures are of interest, as the small number of accidents and their results show the high state of efficiency of maintenance and operation on the interurban railroads in this State. They also demonstrate by the large number of accidents and the number of persons killed and injured on city railroads that improvement in this direction should be made on these roads.

The importance of the high speed interurban railroad as a factor in the transportation facilities of this State has increased from year to year. At present there are several of this class of roads which on private right of way sections equal the speed of the fastest steam railroad trains. These roads are competing for the passenger traffic with the steam railroads and are securing a large portion of it. Through cars are at present operated between the following points, the length of line operated being as indicated:

Termini	*Distance (miles)*
Lockport and Rochester	58
Rochester and Syracuse	84
Auburn and Syracuse	24
Syracuse and Utica	48
Buffalo and Erie, Penna	91
Buffalo and Lockport	20
Jamestown and Westfield	31
Olean and Bradford, Penna	20
Olean and Salamanca	19
Syracuse and Fulton	27
Rochester and Sodus Point	39
Rochester and Geneva	43
Oneonta and Herkimer	57
Gloversville and Schenectady	33
Rome and Little Falls	39
Albany and Saratoga	38

Termini	*Distance* (miles)
Elmira and Watkins	20
Schenectady and Troy	17
Elmira and Waverly	17
Albany and Hudson	37
Troy and Warrensburgh	63

In addition to the above interurban lines there are a large number of suburban lines extending between cities and summer resorts on which cars are run on comparatively high speeds, all of which do an extensive excursion business during the summer season. As an illustration of the density of some of this traffic, the Syracuse, Lake Shore and Northern Railway Company during the last State Fair carried between the fair grounds and the city of Syracuse, in six days, a total of 54,000 passengers, and a maximum of 13,000 in one day.

Total Trackage and Cars in Use on Electric Roads: July 1, 1910, exclusive of electrified portions of the New York Central and Hudson River railroad and the New York, New Haven and Hartford railroad, there were 2709.57 miles of single track operated by electricity in this Public Service District, and 4118 cars in use.

Accidents on High Speed Electric Roads: During the past year a number of serious collisions have occurred on interurban electric railroads outside this State. The volume of traffic, the speed and frequency of movements on the railroads in this District are equal to those of any other section of the country. The number of serious accidents on this class of railroads in this District has been comparatively few. The managers of these railroads are to be congratulated upon this fact.

This comparative record is neither the result of good fortune nor chance but has been produced by the closest attention to all of the details of track and equipment maintenance; by the care taken to insure the employment of competent and reliable motormen and conductors; by improved methods of operation, including rules, train dispatching, and proper schedules. The high state of efficiency maintained on these railroads has been brought about by the united efforts of the operating officials and the suggestions and recommendations of this Commission.

While comparatively few serious accidents have occurred on the interurban high speed railroads of this District, those which have

occurred demonstrate the possibility of accidents similar to those which have happened elsewhere. For this reason the Commission, continuing its efforts to reduce such possibility to a minimum, has called a conference of all operating officials of this class of roads, to be held at Syracuse, January 19, 1911, at which discussion of the details of operation will be had, and if possible, additional precautions will be suggested to increase still further the safety of operation.

Investigation of Complaints: During the past year a number of complaints have been received by the Commission against companies operating city street railroads, alleging insufficiency and irregularity of service. In the investigation of a number of these complaints an examination of all of the traffic conditions in the cities was necessary to determine the present and prospective transportation requirements, based upon present local conditions and probable increase in population, all of which occupied a great portion of the time of the electric railroad inspector. These complaints, among others, included operation in the cities of Buffalo, Rochester, Syracuse, Utica, Watertown, Schenectady, Albany, Yonkers, Mount Vernon, and New Rochelle. In several of these cases the Commission was able to bring about permanent relief; in others, temporary relief has been provided and recommendations made to the companies and suggestions to the municipal authorities, the adoption of which will result in permanently relieving the cause of complaint.

As an illustration of the nature of these complaints and the relief afforded, the following instances are cited:

The mayor of the City of Rochester complained to the Commission, alleging insufficiency and improper service furnished by the New York State Railways in that city. An investigation of this complaint developed the fact that during the rush hours a congestion of cars existed on the main street in the city to such an extent that they were only moving a few feet at a time, with the result that at times 20 minutes were consumed in riding from State to Elm street, a distance of three-quarters of a mile. The company claimed that it was unable to relieve this condition except by reducing the service or re-routing the cars, either of which would result in serious inconvenience to a large number of people, to

which the Commission could not agree. After investigation the cause of congestion was determined and recommendations were made by the Commission, the adoption of which entirely relieved the congested condition, and since that time (February, 1910) cars have been moving on schedule regularity, resulting in increased facilities to the patrons of the road and economy in operation to the company. This investigation alone extended over a period of two months.

A complaint was received from the Board of Trade of the City of Schenectady against the Schenectady Railway Company, alleging inadequacy of service to accommodate the traffic in the city and vicinity. Investigation of this complaint proved that it was justifiable; the Schenectady Railway Company was not furnishing sufficient transportation facilities for its patrons. The important reason why it was not doing so was found to be insufficient trackage to enable it to operate a sufficient number of cars. It also developed the fact that the transportation conditions in the city of Schenectady are more complicated than in any other in this Public Service District. Two large industrial institutions in that city employ at times upwards of twenty thousand people. During the evenings, nearly all of these people leave their places of employment between the hours of 5 and 6. With the present track limitation it is impossible for the street railway company to furnish proper transportation for this large number in the limited time required. After investigation the Commission submitted a report containing recommendations to the company and the municipal authorities which, if adopted, would result in the construction of tracks through additional streets, by means of which material addition would be made to the carrying capacity of the railway. The company has expressed a willingness to comply with the recommendations of the Commission and it has applied to the municipal authorities for the necessary franchises for the construction of the additional trackage suggested. These applications are at present under consideration by the mayor and common council of the City. This investigation extended over a period of several months.

Complaint was received from the common council of the City of Albany against the United Traction Company, alleging insuffi-

ciency of service on all of its lines operated in the city of Albany, and also improper class of cars run. This complaint was received by the Commission in January, 1910, and since that date its investigation has consumed a considerable portion of the time of the members of the Commission and its electric railroad inspector. Public hearings have been held, detail examinations into the traffic conditions have been made, and on September 13th the Commission issued an order directing the company to show cause why an order should not be issued requiring the company to purchase and put in service 30 new, large, double-truck cars. On the above order, public hearings were held on September 20th and 23rd, at which the company submitted testimony in support of its contention that the use of double-truck cars on the heavy grades on the Pine Hills and West Albany lines would be dangerous, and that operating cost would be excessive, and that their use would necessitate other large expenditures, making a combined outlay prohibitive to the operation of this class of cars.

Since the date of the last public hearing, investigations have been made to verify or disprove the statements of the company in reference to safety of operation of the larger type of cars and as to the additional expense incurred in their use. These investigations are at present nearly completed, and it is expected that final action will be taken on this complaint in the near future.

A complaint was received from the residents of Depew and Lancaster against the International Railway Company, alleging poor condition of track, insufficiency and irregularity of service, poor class of cars improperly maintained, and dangerous methods of operation employed. After investigation of this complaint the Commission made recommendations which resulted in improvement of track, increased service, improvement in car maintenance, changes in methods of operation, and other improvements affecting safety and convenience of passengers.

The Chamber of Commerce of the City of Watertown made complaint to the Commission against the Black River Traction Company, alleging inadequacy of service and poor condition of tracks and of cars operated. Investigation of this complaint showed that there are only three miles of track in the city of Watertown. This trackage is inadequate to provide proper trans-

portation facilities for that city. A complete survey of the city in reference to its transportation necessities was made and a report submitted containing recommendations to the traction company and suggestions to the municipal authorities which, if adopted, would result in the extension of the system to an extent necessary for convenient transportation in all sections of the city. These recommendations and suggestions are at present under consideration by the company.

Complaint was received from residents of the city of Syracuse and of the village of East Syracuse against the Syracuse Rapid Transit Company, alleging insufficiency of service on lines in the eastern part of the city and on lines which extend from the city to the village. This complaint is at present being investigated.

Several complaints have been received from citizens of New Rochelle and Mount Vernon against the Westchester Electric Railroad Company and the New York City Railway Company, alleging insufficiency and irregularity of service on lines in those two cities and vicinity. These complaints are being investigated and a preliminary report has been made on the conditions complained of in the city of New Rochelle. This report contains recommendations to the company and suggestions to the municipal authorities the adoption of which will result in the construction of 2800 feet of second track on one of the principal streets of the city, which would permit of the company operating its cars in a manner to relieve the conditions complained of.

The investigation of traffic conditions in Mount Vernon and vicinity demonstrated that a number of the cars in use are unsuitable for the traffic and should be replaced by modern ones, and that a portion of the track and overhead structure, originally owned by the New York City Railroad and the New York, Westchester and Connecticut Railroad Companies, is in very poor condition and should be entirely reconstructed. The Commission is at present endeavoring to locate a responsible owner of these properties against whom an order may be issued directing the necessary improvements to be made.

Complaint was received from citizens of Hamburg against the Buffalo and Lake Erie Traction Company, alleging insufficiency

of service, poor condition of track and of cars run, dangerous methods of operation, and other matters affecting safety and convenience of passengers. This matter is at present under investigation.

Complaint was made by residents of Utica, Herkimer, and vicinity against the Utica and Mohawk Valley Railroad Company, alleging insufficient service to and from Ilion. In the village of Ilion there are two manufacturing establishments employing a large number of people, a majority of whom live outside the village and are dependent on the service furnished by this company for transportation between their homes and places of employment. This traffic occurs during limited periods morning, noon, and evening; and is carried on the street surface line which extends from Frankfort through Ilion to Herkimer, and on the Rome and Little Falls line. These cars run over the electrified portion of the West Shore railroad through Ilion. Additional cars are run on each of these lines during hours of heavy traffic. Investigation showed that the complaint was justified. The company was not furnishing sufficient service for the traffic but was furnishing all the service possible with single car units with present track limitations.

At the suggestion of the Commission, the company is arranging to operate two trains of two cars each on the Rome and Little Falls line during the morning and evening hours. This will materially relieve the condition complained of.

LOCOMOTIVE BOILER INSPECTION

The general duties of the Commission in connection with this branch of its work have been stated in previous annual reports, but a brief summary may be of interest at this time.

Sections were added to the Railroad Law by chapter 611 of the laws of 1905 which provided for the inspection of locomotive boilers, the appointment of boiler inspectors by railroad companies, the filing of certificates of inspection with the Board of Railroad Commissioners, and for the appointment of a state boiler inspector. The act was made more specific by chapter 208 of the laws of 1907, and the duty of enforcing this law was placed upon the Public Service Commission for the Second District as the successor to the Board of Railroad Commissioners.

The law makes it the duty of every railroad corporation operating locomotive boilers in this State —

1. To provide for an inspection of locomotive boilers at least every three months, by an inspector qualified to perform the service required and able to form a definite opinion regarding the safety and proper maintenance of locomotive boilers.

2. To provide necessary safety appliances on all locomotive boilers, and maintain these appliances in good working condition at all times.

3. To require all locomotive boiler inspectors to sign, under oath, a certificate covering the inspection of each locomotive, and to file one copy of this certificate with the chief operating officer of the railroad company and one copy with the Commission.

4. To require all locomotive boilers to be washed out at least once in thirty days.

The law requires the Commission to formulate regulations for the inspection and testing of boilers in accordance with the above requirements, and gives the Commission the right to order the removal of incompetent railroad inspectors.

Mr. G. P. Robinson was appointed state boiler inspector by the Board of Railroad Commissioners after a civil service examination. He has been retained by this Commission.

Regulations for the inspection of locomotive boilers in conformity with the law were prepared by this Commission shortly after it took office. These regulations were framed after extended conferences with railroad mechanical officers and were approved by representatives of the brotherhoods of locomotive engineers and firemen. Much effort was made to incorporate the best railroad practice and to provide effective and business-like methods of enforcing the law. These regulations have been in force over three years. Although the fullest criticism has been invited, no serious objections to them have been received from any source.

There are between five and six thousand locomotive boilers constantly used in this State, and nearly two thousand which are used occasionally and which are therefore maintained and inspected in accordance with state regulations, making a total of 7900 boilers under the supervision of the Commission. As there are about 58,000 locomotives used in the United States, about 14 per cent

thus come directly or indirectly under the supervision of the New York state inspection.

Some of the smaller railroads report all of the locomotives on their lines, even though some of them may never enter the State. Reports of such extra locomotives are received, as it does not increase the work of the Commission materially, and it helps the companies to secure uniform inspection. The total number of boilers reported by each road is given in the following table:

RAILROADS AND OTHER COMPANIES OPERATING FIVE OR MORE LOCOMOTIVES IN THIS STATE, AS REPORTED TO THE COMMISSION JANUARY 1, 1911;

Name of Road.	Number boilers reported to this Commission.	Number of boilers in active service.	Number of boilers temporarily out of service.
New York Central Lines: New York Central, Michigan Central, Rutland, Boston & Albany, Lake Shore & Michigan So.	2920	2480	440
Erie	1145	921	224
Delaware, Lackawanna & Western	602	514	88
Delaware & Hudson	466	407	59
Pennsylvania & Northern Central	417	337	80
Lehigh Valley	307	305	92
New York, New Haven & Hartford	340	258	82
Buffalo, Roch. & Pittsburgh	261	213	48
Boston & Maine	207	118	89
New York, Ontario & Western	199	185	14
Long Island	185	163	22
Grand Trunk	136	59	77
New York, Chicago & St. Louis	82	72	10
Buffalo & Susquehanna	77	47	30
Central New England	64	57	7
Wabash	46	20	28
Lehigh & Hudson River	46	35	10
Pittsburg, Shawmut & Northern	37	34	7
South Buffalo	34	30	6
Ulster & Delaware	30	30	1
Pere Marquette	25	11	14
Central Vermont	21	6	15
Lehigh & New England	14	8	6
Buffalo Creek	13	13	0
Toronto, Hamilton & Buffalo	10	6	4
Lake Champlain & Moriah	8	7	1
Fonda, Johnstown & Gloversville	7	5	2
Hawkeye Construction Company	7	7	0
Solvay Process Company	6	6	0
Delaware & Eastern	5	4	1
Jamestown, Chautauqua & L. Erie	5	4	1
New York, Auburn & Lansing	5	2	3
New York & Pennsylvania	5	4	1
Total above companies	7822	6368	1454
54 other companies, each having less than 5 locomotives.	78	60	18
Grand total year ended Dec. 31, 1910	7900	6428	1472
Grand total year ended Dec. 31, 1909	7604	6479	1125
Differences	296	51	347

The boiler inspection regulations contemplate two forms of report:

First, a specification card, giving a description of the general design and principal dimensions of the boiler, the results of calculations of the strains to which the principal parts are subjected and from which the proper working pressure and factor of safety can be computed, the age of the boiler, the test to which the material was originally subjected, and any other data which may aid in determining the safe working pressure. This specification card is signed by the mechanical engineer of the railroad company or by some other expert qualified to pass upon questions of boiler design. These specification cards have been filed for all the boilers which are under the supervision of the Commission, all of the cards have been carefully examined by a mechanical engineer working under the direction of the state boiler inspector, and the calculations of strength and factors of safety have been checked, and errors in reporting and in calculations have been adjusted after correspondence with the railroad companies.

Second, a certificate of inspection is required by law to be filed with the Commission once in three months for each locomotive in the State. A copy of this certificate is posted in the locomotive cab, and a copy is filed with the chief mechanical officer of the railroad. All certificates are checked upon receipt in the office of the Commission, and are compared with certificates previously filed. Special filing cases are provided for the specification cards and inspection certificates, so that in case of accident to any boiler all of the data reported to the Commission can be used in the investigation.

If errors are found in the inspection certificates, letters are at once written or personal visits are made by the state boiler inspector or an assistant. A great many specification cards and several hundred inspection certificates have been returned each year for correction. A record is kept of all errors made by railroad inspectors so far as they are discovered. If the error indicates continued carelessness or incompetency, the case is reported to the proper railroad officer, and if necessary, removal of the inspector is required.

Reports are also received from a number of manufacturing companies and railroad contractors owning locomotives which are used occasionally on railroad companies' tracks, counsel to the Commission having advised that railroad companies under the law may be

required to refuse outside companies the right to use locomotives on the railroad tracks or right of way unless the requirements of the boiler inspection law are complied with.

The Commission employs but two inspectors to supervise this work: the state boiler inspector and his assistant. It is evident that it is not possible with this force to make detailed inspection of all boilers. An examination is, however, made of a sufficient number to enable the Commission to determine with a reasonable degree of accuracy whether the companies are maintaining their boilers in safe condition and in accordance with the law. The work of the railroad companies' inspectors is thus generally supervised, and a special check of their work is made whenever the general condition of the boilers at any terminal indicates improper inspection or insufficient care. During the year, 367 inspection trips have been made to points where locomotive boilers are inspected and repaired. The following is a summary of the results of this work:

Number of boilers reported for service Jan. 1, 1911	7900
Number of boilers examined by state inspectors	2649
Number of trips of inspection	367
Number of places where inspections are made	245
Number of boilers reported defective by state inspectors	725
Number of boilers reported with broken stay-bolts in excess of number allowed by regulations	193
Number of broken bolts found in above boilers	1201
Number of boilers found with a large number of telltale holes in stay-bolts filled with paint or otherwise closed, preventing a proper indication of broken bolts	225
Number of broken stay-bolts reported with telltale holes hammered over to avoid renewing same	376
Number of boilers reported with leaks which would have obscured the vision of the engineer or which indicated a bad condition of boiler	39
Number of defective steam-gauges reported	75
Number of defective water-glasses reported	125
Number of defective gauge-cocks reported	151

More defects were found in boilers during the year 1910 than in the preceding year. This is accounted for by the fact that it was possible to make a closer inspection this year than previously, as the office work in connection with the original checking of specification cards and the establishment of a proper office system had been completed and the inspectors were thus able to spend more time on the road.

The state boiler inspector is giving considerable attention to recent reports of breakage of so called flexible stay-bolts. Those reports indicate the need of careful inspection of this class of bolts, as well as of ordinary rigid stay-bolts, and the investigation of this subject will be continued.

It is the opinion of the inspectors that the condition of locomotive boilers in this State has been substantially improved as compared with last year, and that increased care is evident in inspection and maintenance. This has resulted in a reduction in the number of boiler accidents and in the engine failures caused by boiler defects.

All accidents to locomotive boilers involving death or injury to any person are required to be reported by telegraph, and immediate investigation is made. The following is a summary of all accidents reported for the past three years:

SUMMARY OF ACCIDENTS TO LOCOMOTIVE BOILERS, 1908, 1909, 1910

Number of accidents.			Cause of accidents.	Number of persons killed.			Number of persons injured.		
1908.	1909.	1910.		1908.	1909.	1910.	1908.	1909.	1910.
12	4	4	Low water	8	6	1	15	6	5
0	1	0	Broken stay-bolts	0	0	0	0	1	0
3	0	4	Burst flue	0	0	0	3	0	4
1	0	0	Burst arch tube	0	0	0	1	0	0
1	1	0	Flue pulled out	1	0	0	1	1	0
1	5	1	Burst water-glass	0	0	0	1	5	1
1	0	0	Pocket flue blew out	0	0	0	1	0	0
6	1	2	Plugs blew out. Injector nut broke	0	0	0	6	1	2
25	12	11	Totals	9	6	1	28	14	1

2

This shows a continuous decrease in casualties from defective boilers since the present law took effect.

It will be noted that although there are only four accidents reported on account of low water which resulted in death or injury it remains true that accidents caused by low water are the principal source of danger in locomotive boiler operation, and it is therefore the intention of the Commission to investigate as far as possible all cases of low water which result in a rupture of the crown sheet or in the sheet being pulled away from the stay-bolts, whether personal injuries result or not. It is believed that accidents due to this cause can be still further reduced by increased care in the maintenance of water-glasses, gauge-cocks, injectors and feed water connections. An investigation of a recent accident, for instance, which resulted in the injury of two men, showed that the cause was low water. Investigation of the engineer's work reports showed that the water-glass was reported out of order on each of three days previous to the accident. Investigation also showed that the middle gauge-cock was out of use and that the tender tank had not been properly

cleaned, so that the injector supply pipes could readily have been clogged. The gauge-cocks, water-glass, and injectors had been removed from the locomotive before the inspector of the Commission arrived, and therefore a proper and satisfactory examination of these parts could not be made, and a formal order of the Commission was necessary to secure the information required to complete the investigation. In most cases of low water the burden of responsibility is properly placed upon the engineer, as it is his business to report defective water-glasses, gauge-cocks, or injectors. In a case such as the one cited, however, where defective maintenance is clearly shown, the burden of responsibility is to a great extent shifted upon the parties who are responsible for such maintenance.

The boiler inspection records show the age of each locomotive boiler used in the State, and from these records an estimate can be made of the average age of the locomotives in service. This is summarized for the principal railroads in the following table:

AVERAGE AGE OF LOCOMOTIVE BOILERS IN SERVICE JANUARY 1, 1911, ON RAILROADS HAVING FIFTY OR MORE LOCOMOTIVES:

Corporation.	Number of locomotives reported for service.	Average age.
Boston & Maine	207	6.69
Buffalo, Rochester & Pittsburgh	261	9.69
Buffalo & Susquehanna	77	7.2
Central New England	64	10.23
Delaware & Hudson	466	9.25
Delaware, Lackawanna & Western	602	9.68
Erie	1145	12.96
Grand Trunk	136	14.84
Lehigh Valley	397	12.86
Long Island	185	11.74
New York Central Lines	2920	7.95
New York, Chicago & St. Louis	82	8.24
New York, New Haven & Hartford	340	8.9
New York, Ontario & Western	199	10.07
Pennsylvania and Northern Central	417	8.99
Total above roads	7498	9.6

AVERAGE AGE OF LOCOMOTIVE BOILERS IN SERVICE JANUARY 1, 1911, USED BY RAILROADS AND MANUFACTURING COMPANIES HAVING LESS THAN FIFTY LOCOMOTIVES:

	Number of locomotives.	Average age.
73 railroads and manufacturing companies	402	11.87
All railroads in State	7900	9.64

On January 1, 1910, there were reported for service 7604 locomotives of an average age of 8.94 years.

The boiler inspection records show the following distribution of locomotives according to age:

	Jan. 1, 1910	Jan. 1, 1911
Number under 10 years of age	4783	4775
Number 10 years and under 20 years	2040	2221
Number 20 years and under 30 years	715	853
Number 30 years and under 40 years	58	49
Number 40 years and over	8	2
Total	7604	7900

The number of new locomotives put in service on New York state lines in the years 1909 and 1910, and used either constantly or occasionally in the State, is indicated by the boiler inspection records as follows:

	1909	1910
Adirondack & St. Lawrence	1	0
American Locomotive Company	0	1
Boston & Maine	21	34
Buffalo, Rochester & Pittsburgh	15	0
Catskill Mountain	1	0
Central New England	3	8
Central Dock & Terminal	0	1
Delaware, Lackawanna & Western	40	25
Delaware & Hudson	0	6
Erie	0	60
Glenfield & Western	1	0
Genesee & Wyoming	0	1
Grand Trunk	1	4
Johnston Harvester Company	1	0
Hawkeye Construction Company	0	3
Holbrook, Cabot & Rollins Corporation	0	1
Lehigh & Hudson River	1	0
Lake Champlain & Moriah	0	1
Lehigh Valley	6	26
New York Central Lines	34	224
New York, Chicago & St. Louis	5	4
New York, New Haven & Hartford	0	10
New York, Ontario & Western	5	18
Pennsylvania and Northern Central	0	6
Solvay Process Company	1	1
South Buffalo	0	4
Standard Oil Company	0	1
Tonawanda Iron & Steel Co	1	0
Total number of new locomotives installed by railroad companies, by contractors, or by manufacturing companies and used constantly or occasionally on railroad companies' tracks	137	439

An examination of the specification cards filed with the Commission quickly showed that many of the locomotive boilers in use were carrying pressures higher than good practice would warrant. A circular letter was therefore issued to all the railroads, calling attention to boilers with low factors of safety, and

suggesting certain minimum factors for consideration. A large number of conferences have been held with railroad mechanical officers, and the proposed factors of safety have to some extent been modified accordingly. As a result of this study the following minimum factors of safety have been adopted for boilers now in service in the State and for such as are placed in service after January 1, 1911.

PROPOSED FACTORS OF SAFETY:

	Boilers now in service	Boilers placed in service on or after Jan. 1, 1911
1. Boilers with butt seams, under 30 years, factor	3¾	4
2. Boilers with butt seams, 30 to 40 years, factor	4¼	4½
3. Boilers with lap and cover seams, under 30 years, factor	4	4¼
4 Boilers with lap and cover seams, 30 to 40 years, factor	4½	4¾
5. Boilers with plain lap seams, under 30 years, factor	4¼	4½
6. Boilers with plain lap seams, 30 to 40 years, factor	4¾	5
7. Boilers 41 or more years old to be condemned.		

It should be clearly understood that these factors of safety have been decided upon as the minimum that should be used and are not as high as the Commission would like to see adopted for new construction or when boilers are reinforced in the process of making heavy repairs. The Commission believes that the following extract from a letter on this subject, received from the general manager of one of the largest railroads affected by these requirements, accurately expresses the situation:

> The minimum factors of safety as indicated by you seem to be reasonable, and there is no engineering data or authority that will justify any recommendation for a lower factor than that suggested by the Commission.

As a result of the conferences with railroad officers it has been found that in many cases boilers with doubtful factors of safety can be reinforced at slight expense, by changes in longitudinal seams or in the bracing. Considerable work of this character has already been done by the railroad companies by agreement and without formal order. In other cases boilers having low factors of safety have been withdrawn by the regular practice of the railroads of retiring old locomotives and substituting new ones. In other cases railroads have agreed to reduce pressures to the required amount.

The state boiler inspector estimates that through these methods the number of boilers having doubtful factors of safety have been reduced by at least five hundred since the Commission undertook the investigation of this subject. Although most, if not all, of the weakest boilers in the State have been reinforced or withdrawn from service, 208 locomotives remain whose boilers do not meet the factors of safety above given, and arrangements have been made for their prompt withdrawal or reinforcement. A summary showing the classification of such boilers is as follows:

SUMMARY OF BOILERS WHICH DO NOT COMPLY WITH THE FACTOR OF SAFETY ADOPTED:

Boilers with butt seams, under 30 years, factor less than 3¾	11
Boilers with butt seams, 30 to 40 years, factor less than 4¼	0
Boilers, lap and cover seams, under 30 years, factor less than 4	16
Boilers with lap and cover seams, 30 to 40 years, factor less than 4½	1
Boilers with plain lap seams, under 30 years, factor less than 4¼	174
Boilers with plain lap seams, 30 to 40 years, factor less than 4¾	4
Boilers 41 or more years old, to be condemned	2
Total	208

The present boiler inspection regulations of this Commission took effect September 1, 1907. Conferences have recently been held by representatives of this Commission with the Ohio and Pennsylvania State Railroad Commissions, with the object of adopting uniform requirements. Some changes in New York regulations were agreed to at these conferences, and will be issued accordingly. The result is the adoption of practically uniform rules by Ohio, Pennsylvania, and New York, which we believe will result in effective supervision in each of these States with a minimum of friction or interference with the proper jurisdiction of the officers of the railroad companies. It will be possible under this system for the railroad inspectors in each State to have their inspection reports accepted by all three States. Arrangements are being made for an annual conference of the Ohio, Pennsylvania, and New York Commissions to discuss proposed changes in boiler regulations, with a view to the maintenance of uniform rules.

The theory of the boiler inspection law of this State and of its administration by this Commission, which has now been accepted by Ohio and Pennsylvania, is that the State inspection shall be entirely supervisory, except where cases of serious neglect are

found. It is considered the province of the commissions to insist upon the adoption of adequate rules for inspection by the railroad companies, and upon full compliance with these rules. A sufficient system of reports and check inspections has been established to enable the commissions to determine whether the railroad companies are doing their full duty under the law. The result in this State is that the Commission is able to do the work satisfactorily with but two inspectors, and no need has yet been shown for increasing this force. This system results in cordial coöperation between the Commission and most of the railroads, as the New York law and its administration recognize the right and responsibility of the railroad officers to do the work themselves so long as they can show to the satisfaction of the state inspector that it is being done thoroughly and in strict accordance with the law.

GRADE CROSSING ELIMINATION

The work of ordering the elimination of grade crossings was suspended in the year 1909, owing to the failure of the Legislature of that year to make an appropriation for the purpose of defraying the State's share of the expense of such work. The Legislature for the year 1910 appropriated for such expense the sum of $350,000, a large sum in and of itself, but insufficient to enable the Commission to order eliminations in all of the cases pending before it.

Immediately after the passage of the law making this appropriation the Commission instituted measures to inquire into which of the pending applications should first be heard, and as soon as that was determined ordered hearings in such cases, and has been prosecuting this branch of its work vigorously.

Table 1, which follows, shows the total amount paid by the State as its share of the expense of eliminating grade crossings, from the passage of the original grade crossing elimination law to December 31, 1910; also the amount paid on that account during the year 1910.

TABLE 1:

Total amount paid by the State Treasurer on account of the elimination of grade crossings under section 91 of the Railroad Law, to December 31, 1910	$1,027,831 49
Payments made by the State Treasurer as per annual report 1909.....	906,770 89
Amount paid during year 1910.....	$121,060 60

This amount is made up as follows:

No.	Railroad.	Street.	Municipality.	Amount.
G. C. 293	Erie.....	Pine St.....	Niagara Falls...	$11,061 50
G. C. 565	N. Y., C. & St. L...	N. Portage St.....	Westfield.....	5,981 10
G. C. [1] 293	Erie.....	Pine St.....	Niagara Falls...	2,952 47
G. C. 501	Erie.....	Niagara St.....	Niagara Falls...	5,194 07
Case 98	L. S. & M. S.....	Big Tree Hy.....	Hamburg.....	7,873 18
G. C. 470	N. Y. C. & H. R...	Van Anden St.....	Auburn.....	7,192 48
G. C. 611	N. Y. C. & H. R...	Culver Road.....	Rochester.....	64,682 50
G. C. 505	Albany & Susq.....	Rockefeller Rd....	Bethlehem.....	2,340 24
G. C. 614–615	Long Island.....	N. Y. Ave. and Long Swamp Rd.	Huntington.....	12,898 92
Salary, assistant engineer of grade crossings.....				803 23
Traveling expenses, assistant engineer of grade crossings.....				73 62
Supplies, assistant engineer of grade crossings.....				7 29
				$121,060 60

[1] Land damages.

The work upon seven grade crossings has been completed or substantially completed during the year 1910. In four of these cases the work of elimination has been effected at the sole charge of the railroad company. Table 2, which follows, shows these cases and the estimated cost to the State of its proportion.

TABLE 2: Section 91, grade crossing cases in which work has been completed or substantially completed during the year, but in which no settlements have been made:

No.	Railroad.	Municipality.	Estimated total cost.	Estimated cost to State.
1510	N. Y. & Harlem.....	Town of Southeast.....	[1].....	[1].....
791	N. Y. C. & H. R.....	Village of Hastings.....	$118,300	$29,575
436	N. Y. C. & H. R.....	Town of Stafford.....	33,400	8,350
G. C. 592	N. Y., O. & W. Ry.....	Town of Cornwall.....	43,532	10,883
1071	Central New England.....	Town of Wappinger.....	[1].....	[1].....
1073	Central New England.....	Town of LaGrange.....	[1].....	[1].....
1075	Central New England.....	Towns of Wappinger and LaGrange.....	[1].....	[1].....

[1] Involves no cost to the State.

Table 2a shows cases of elimination which were in progress during the year 1910 and in which substantial progress was made during the year, with the estimated cost to the State of its proportion of the work.

TABLE 2a: Section 91, cases in which determinations were made prior to 1910, and in which substantial progress was made during the year:

No.	Railroad.	Municipality.	Estimated cost to State.
G. C. 533	N. Y. C. & H. R.	City of Yonkers	$138,000
Case 9	N. Y. C. & H. R.	City of Utica	92,500
Case 253	N. Y. C. & H. R.	Village of Tuckahoe	34,775
Case 254	N. Y. C. & H. R.	City of Mt. Vernon	[1] 89,250

[1] This is the estimate which was approved by the Commission. On account of delays and other contingencies which have arisen, the cost to the State will probably be about $100,000.

Table 3, which follows, shows the eliminations which were ordered by this Commission during the year 1910 and in which some progress has been made during the year, together with the estimated cost to the State of its proportion.

TABLE 3: Work authorized under section 91 during the year 1910 and in which progress has been made:

No.	Railroad.	Municipality.	Estimated total cost.	Estimated cost to State.
Case 102	N. Y. C. & H. R.	Village of Ossining	$224,000	$56,000
Case 156	N. Y. C. & H. R.	Village of White Plains	200,000	50,000
Case 1778	Long Island	Towns of Hempstead and N. Hempstead	26,400	6,600

Table 4, which follows, shows the determinations made by this Commission during the year 1910, but upon which work has not yet been commenced. This table includes those cases in which the State's proportion of the expense is chargeable to the aforesaid appropriation of $3[illegible]0,000, and does not include determinations to eliminate made upon the application of the State Highway Commission, the State's proportion of the expense in such cases being paid out of the highway fund and not out of the grade crossing elimination appropriation.

TABLE 4: Work authorized under section 91 during 1910, but which has not been commenced; this table does not include those cases in which the Highway Commission was the applicant:

No.	Railroad.	Municipality.	Estimated total cost.	Estimated cost to State.
Case 575	Long Island	Town of Huntington	$8,000	$2,000
Case 637	Lehigh Valley	Town of Dryden	12,000	3,000
Case 773	N. Y. C. & H. R.	Towns of Scarsdale and Greenburg	91.000	22,750
Case 775	N. Y. C. & H. R.	Town of Eastchester	28,000	7,000
Case 1333	Penna. (W. N. Y. & P.)	City of Olean	32,000	8,000
Case 1799	Central New England	Town of Shawangunk	.....	.....
Case 1837	W. N. Y. & P.	Town of Hinsdale	.....	.....
Case 1848	Long Island	Town of Oyster Bay	44,540	11,135
G. C. 656	Erie	Town of Ramapo	5,200	1,300
G. C. 457	N. Y., O. & W.	Town of Liberty	5,680	1,420
G. C. 686	L. S. & M. S.	Town of Hamburg	22,000	5,500

Table 5, which follows, shows the cases pending under section 91 of the Consolidated Railroad Law, in which hearings have been held during the year but in which final determination has not been made, and in most of which further hearing is necessary for a proper determination. All of these cases are nearly ready for determination, and it is believed that the sum required to pay the proportion of the State's expense of such elimination will exhaust the appropriation which has been made. It will therefore be essential, if determinations in other cases are made, that further appropriation, to such an amount as seems proper, shall be made by the Legislature.

TABLE 5: Cases pending, section 91, in which hearings have been held by the Public Service Commission but no determination made:

No.	Railroad.	Municipality.
Case 157	N. Y. C. & H. R.	Village of Tarrytown.
Case 429	Long Island	Town of North Hempstead.
Case 447	Long Island	Towns of Islip and Brookhaven.
Case 487	Long Island	Town of Southampton.
Case 488	Long Island	Town of Southampton.
Case 693	Long Island	Town of Islip.
Case 694	Long Island	Town of Islip.
Case 774	N. Y. C. & H. R.	Village of Bronxvillle.
Case 790	N. Y. C. & H. R.	Village of Irvington.
Case 810	Erie	Town of Mt. Hope.
Case 1519	Erie	City of Jamestown.
Case 1627	Central New England	Town of Montgomery.
G. C. 658	West Shore	Village of Marlboro.
G. C. 595	D. & H.	Town of Greenfield.
G. C. 667	Pennsylvania	Town of Yorkshire.
G. C. 663	N. Y. C. & H. R.	Town of Trenton.

NOTE: In case 254, involving the elimination of grade crossings in Mt. Vernon, a hearing was given on a proposed modification of the original order.

For the purpose of enabling, so far as possible, the Legislature to pass upon the question of the extent of the appropriation which may be made for grade crossing elimination, Table 6, which follows, discloses the applications now on file with this Commission and in which no action has been taken, owing to the fact that there was no appropriation sufficient to justify such action.

TABLE 6: Applications under sections 62 and 91 in which no action has been taken by this Commission:

No.	Railroad.	Municipality.
G. C. 381	N. Y. C. & H. R.	City of Albany.
G. C. 413	N. Y. C. & H. R.	Village of Carthage.
G. C. 425	N. Y. C. & H. R.	Town of Newfane.
G. C. 434	N. Y. C. & H. R.	City of Rensselaer.
G. C. 454	N. Y., O. & W.	Town of Guilford.
G. C. 460	N. Y., O. & W.	Town of New Windsor.
G. C. 463	N. Y., O. & W.	Town of Hamptonburg.
G. C. 474	Lehigh & Hudson River	Town of Warwick.
G. C. 475	N. Y. C. & H. R.	City of Kingston.
G. C 520	N. Y. C. & H. R.	Town of Reading.
G. C. 539	S. B. & N. Y. (D., L. & W.)	Town of Cortlandville.
G. C. 590	Boston & Maine	City of Troy.
G. C. 637	N. Y. C. & H. R.	Towns of Phelps and Junius.
G. C. 645	N. Y. C. & H. R.	Town of Royalton.
G. C. 651	Erie	Village of Endicott.
G. C. 659	N. Y. C. & H. R.	Town of Claverack.
G. C. 665	Boston & Maine	City of Troy and towns in Rensselaer county.
G. C. 682	N. Y. C. & H. R.	City of Newburgh.
Case 195	N. Y., O. & W.	Town of Stockbridge.
Case 216	Erie	Town of Mt. Hope.
Case 377	Erie	Town of Warsaw.
Case 451	Erie	Town of Clarkstown.
Case 509	N. Y. C. & H. R.	City of Utica.
Case 532	N. Y., O. & W.	Town of Unadilla.
Case 1230	Erie	Town of Wallkill.
Case 1415	N. Y. C. & H. R.	City of Rochester.
Case 1571	D., L. & W. and D. & H.	City of Binghamton.
Case 1672	N. Y. C. & H. R.	Town of Geddes.
Case 1711	N. Y. C. & H. R.	Town of Cheektowaga.
Case 1821	Pennsylvania	Town of Caneadea.
Case 1974	Erie	Town of Tusten.
Case 2004	D. & H.	Town of Bethlehem.

Table 7, which follows, shows the applications received from the State Highway Commission and in which determinations awarding an elimination have been made during the year 1910.

TABLE 7: Section 91, applications received from the State Highway Commission and in which determinations have been made during 1910:

No.	Railroad.	Municipality.
Case 1336	B., R. & P.	Town of Wheatland.
Case 1337	D. & H.	Town of Bethlehem.
Case 1338	Boston & Maine	Town of Glenville.
Case 1739	D., L. & W. and N. Y., O. & W.	Town of North Norwich.

Table 8, which follows, shows applications received from the State Highway Commission and in which no determination has been made. The one case shown by this table is now practically ready for determination, a stipulation having been received from the Lehigh Valley Railroad Company that it would pay a certain part of the expense in addition to the one-half thereof required by law.

TABLE 8: Section 91, application received from the State Highway Commission, but in which no determination has been made: Case 1478, Lehigh Valley R. R. Co., Town of Farmington.

There are now in the State of New York, outside the city of Greater New York, 8632 places where public highways cross steam railroad tracks at grade, of which 6563 are absolutely unprotected and 2069 are protected by gates, flagmen, or electric bells; in the city of Greater New York there are 433 crossings at grade, 282 of which are protected and 151 unprotected: making a total number of 9065 highway crossings at grade in the entire State.

In the years 1908, 1909, and the first eleven months of 1910, outside of Greater New York, there were 226 persons killed and 400 persons injured at highway grade crossings, and in the city of Greater New York 45 were killed and 70 injured, a grand total of killed and injured in the State during those years of 741.

The first state law passed in relation to the elimination of grade crossings was in the year 1897, and this law has remained practically without change to the present time. On account of the increase of population and the enormous increase in the use of roads by automobiles, the number of accidents is constantly increasing. Both the great political parties in their platforms of 1910 called attention to these dangerous conditions and pledged themselves to take action looking to a remedy. New York has fallen behind the other Eastern States in its efforts to eliminate these dangerous places, and measures ought to be at once adopted to place New York in as progressive an attitude as our sister States.

A very large amount of money must necessarily be spent in this work, and under our present laws the burden of paying the expense of eliminating the present crossings is divided, by the railroad company paying 50 per cent, the State 25 per cent, and the city, village, or town in which the crossing is located 25 per cent.

In the building of improved highways the people now recognize that a part of the main thoroughfares, known as County Highways, should be in part paid for by the county, and no reason exists why, if such roads are so important for the use of the people of a county as a whole as to justify a burden on the county, the county as a whole should not pay a part of the cost of the elimination of a dangerous crossing therein. Cases may frequently arise where an important highway crosses a railway through an extreme corner of a town or village and where very few people of that municipality use the road. The advantages arising from the elimination of such a crossing would not accrue to the town itself except in a very small way, but would accrue to the adjoining towns and the county generally. In such cases the town or village in which the crossing is located ought not to be burdened with all the municipal cost, but the same should be shared by the county and the municipality directly benefited.

No provision is now made requiring a street surface railroad company to pay any part of the expense, and no reason exists why some part of the cost should not be paid by such a company using a crossing.

The law is now well settled, that by proper legislation railroads can be compelled to eliminate highway crossings at their own expense. This is not, however, the policy of many States, and a statute requiring the elimination of all crossings at the entire expense of the railroad companies would undoubtedly be looked upon as a great hardship and financial burden.

Some reasonable legislation along these lines ought however to be had. In Connecticut, each railroad company is required to remove at its own expense one grade crossing each year for every sixty miles of road owned or operated. In Vermont, each railroad company is required to eliminate one grade crossing for every eighty miles of road, but the expense is divided as follows: State 25 per cent, town 10 per cent, railroad company balance. In a large State like New York such a rule would be hard, but a rule requiring one crossing to be abolished each year for each three hundred miles would not work a hardship. The rule of course would have to be varied for roads having short mileage. Grade crossings will never be eliminated entirely while municipal bodies

have to raise a large part of the money needed, and in some cases the funded debts of cities and villages are so near the constitutional debt limit that no large amount can be raised at all.

We are now constructing state highways at the entire expense of the State, and jurisdiction is given to the State Commissioners of Highways to determine whether or not they will leave existing crossings at grade or otherwise when such new highways are built. If any highway is important enough to be made a state highway, the rule should be extended so that no state highway should be allowed to be constructed and leave any crossings at grade unless the Commission having control of crossings should certify that the abolishment of such crossings is impracticable. This would make the rule the same as now applies to the construction of new steam railroads.

Under our present law no work whatever can be undertaken without an appropriation by the State having first been made. On account of the great demands made upon the State's finances these appropriations are small, and during several of the past years no appropriations whatever were made. The lack of an appropriation absolutely stops all new proceedings, and with the uncertainty of favorable legislation no intelligent study of a general plan can be undertaken. To obviate this condition of affairs some legislation permitting the Commission to enter into contracts for at least a certain amount each year would bind the State and would permit new work each year to be undertaken.

With the gradual increase in the speed of trains and the electrification of different systems, the problem is growing more serious every day. The people are demanding more and more that some forward action be taken, and the only way a step in advance can be taken is some such legislation as above suggested. Such legislation should not stop state appropriations, however, and both systems should be carried on together.

DIVISION OF TELEGRAPHS AND TELEPHONES

Chapter 673 of the laws of 1910, which became a law September 1st, amended the Public Service Commissions Law by placing under the supervision of this Commission all telegraph corporations owning, operating, or managing any telegraph line or part of telegraph line used in the conduct of the business of

affording for hire communication by telegraph; and all telephone corporations owning, operating, or managing any telephone line or part of telephone line used in the conduct of the business of affording telephonic communication for hire, with the important exception in the case of telephone corporations of "any corporation, company, association, joint stock association, partnership, or person, their lessees, trustees or receivers, having property actually used in the public service within the State of a value not exceeding ten thousand dollars, or which do not operate the business of affording telephonic communication for profit."

In the case of telephone corporations operating within the State and engaged in intrastate business, it will be seen that the statute places a part of them under the jurisdiction and supervision of the Commission and exempts a part. It is a matter of embarrassment and much to be regretted that the statute provides no means of determining whether a telephone corporation is under the supervision of the Commission, and especially in the case of those corporations which are exempted by reason of the fact that they do not have property actually used in the public service within the State of a value exceeding ten thousand dollars. It is sufficient to suggest that the Commission is given no power to examine and appraise the property of a corporation not within its jurisdiction for the purpose of determining whether it has jurisdiction over the corporation and its property. If it had such power, it is questionable whether it would be practically effective, owing to the very large number of such corporations operating within the State which at least claim that they have not property exceeding ten thousand dollars in value, which would make the task of appraisal an exceedingly long, expensive, and laborious process.

Immediately after the passage of the act conferring jurisdiction and before it became effective, the Commission undertook, so far as it was able, the process of ascertaining what telephone corporations would come under its jurisdiction. The only available list of such corporations was that to be found in the office of the State Tax Commission. That Commission very courteously furnished a list of such corporations, which list showed the names of 1106 corporations, associations, and individuals engaged in the telephone business within the State. Under date of June 28,

1910, a circular was addressed to all telephone companies, calling for certain preliminary information for the purpose of determining which of those corporations, persons, and associations engaged in operating telephone plants would come within the jurisdiction of the Commission. No person or corporation was obliged by law to answer any inquiry addressed to it, but nearly all of the persons and corporations to whom the circular was addressed forwarded replies more or less complete upon the blank form which was transmitted with the circular. An examination of these replies has shown that 135 persons, associations, and corporations are under the jurisdiction of the Commission. It is probable that a few other corporations are also under that jurisdiction although they do not now concede the same, and an examination of their property will be required to determine the point.

There are 10 telegraph corporations actively engaged in business within the State which come under the supervision and jurisdiction of the Commission.

In asserting the jurisdiction conferred upon it, the Commission has thus been required to rely upon the statements of the corporations themselves as to whether or not the jurisdiction existed. It is probable that of the very great number of corporations — nearly one thousand — which claim that no jurisdiction exists, in most cases such claim is well founded, the form submitted to these corporations requiring a statement of facts which would enable a substantially correct judgment to be given.

It should be pointed out, however, that it is probable that from time to time, by the increase of property devoted to the telephone service, a greater or less number of these companies will come under the jurisdiction of the Commission. No means is provided by law for ascertaining whether such jurisdiction exists or not. It is obviously impracticable for this Commission to engage in periodical appraisals of property over which it has no jurisdiction. It is exceedingly easy for the property of corporations which are now exempt to increase in value so as to put the corporation theoretically under the jurisdiction of the Commission, and yet the Commission has no means of ascertaining when the exemption point has been passed. It is probably true that no great public harm will arise from this state of affairs although theoretically it

is most unfortunate. A practical embarrassment will probably arise from complaints against exempt corporations.

In order to properly handle the additional work imposed by this additional jurisdiction it was necessary to establish a separate division of telegraphs and telephones, with a chief of the division in charge, and a corps of assistants and inspectors. The organization of the department was promptly inaugurated September 1st by the appointment of a chief of the division, followed by the appointment of an assistant, an engineer, and inspectors, who were secured as early as compatible with the selection of the proper personnel. In this connection it was deemed necessary to open an office in the city of New York to take charge of the work in and about that city, which represents more than half of the telephone business within the State.

The first work of supervision has necessarily been attention to complaints received and the issuance of orders as provided by law, together with the assembling of certain primary statistical information. General orders have been issued to all corporations requiring the filing with the Commission of all rate schedules, as provided by section 92 of the Public Service Commissions Law, directories, lists of discriminatory charges under existing contracts, reports of accidents, data concerning the equipment and number of subscribers of each telephone exchange; also maps, lists of connecting companies, and statements as to the interrelation of the same.

The condition created by the provisions of section 91 of the Public Service Commissions Law should be clearly stated and frankly recognized. Subdivision 2 of that section provides that no telephone corporation shall in any manner, directly or indirectly, charge, demand, collect, or receive from any person or corporation a greater or less compensation for any service rendered or to be rendered with respect to communication by telephone, or in connection therewith, "*except as authorized in this chapter,*" than it charges, demands, collects, or receives from any other person or corporation for doing a like and contemporaneous service with respect to communication by telephone under the same or substantially the same circumstances and conditions. Subdivision 4 of the same section reads as follows:

Nothing in this chapter shall be construed to prevent any telephone corporation from continuing to furnish the use of its lines, equipment or service under any contract or contracts in force at the date this article takes effect, or upon the taking effect of any schedule or schedules of rates subsequently filed with the commission, as hereinafter provided, at the rate or rates fixed in such contract or contracts; provided, however, that when any such contract or contracts are or become terminable by notice, the commission shall have power, in its discretion, to direct by order that such contract or contracts shall be terminated by the telephone corporation party thereto, and thereupon such contract or contracts shall be terminated by such telephone corporation as and when directed by such order.

This provision of law seems to have been framed with the clear understanding that discrimination in charges made by telephone corporations exists, and that some persons and corporations are receiving service at a less rate than other persons and corporations under the same or substantially the same circumstances and conditions. The statute does not say that such discrimination is unlawful, nor does it say that it shall be discontinued. It, in fact, recognizes it as lawful and hence permissible. The corporations making such discriminatory charges are not required to terminate the discriminations, but by an exception are expressly allowed to continue the same. The burden of requiring the cessation of such discriminations is placed upon the Commission. Until it acts, discrimination which has heretofore existed may be continued. When it does act, whatever increase of rates is entailed to any individual will at once be charged to the Commission and not to the corporation which has initiated and continued the discrimination.

The Commission having become satisfied by preliminary inquiries that a considerable amount of discrimination in telephone charges existed throughout the State, on the 18th day of October last issued an order "that each and every telephone corporation subject to the jurisdiction and under the supervision of this Commission shall file with this Commission on or before the 15th day of November, 1910, schedules which shall show by each exchange separately those of its patrons or subscribers which on this date are receiving telephone service of any character at rates or charges which vary or differ in any respect from the standard rates adopted and now in force by said telephone corporation for contracting for new business." It was directed that these schedules should give (*a*) the name and address of each patron or subscriber, (*b*) the

rate charged, (*c*) the standard rate, (*d*) the date on which the contract expires or is terminable by the telephone corporation.

In compliance with this order schedules have been filed by a large number of the corporations, which schedules are now in process of examination. It appears from these schedules that in the past the corporations have, for one reason and another not necessary to inquire into at this time, put themselves in the position of charging one person more than they charge another for substantially the same service. In the case of the New York Telephone Company alone, out of a total of over 337,000 subscribers, some 31,000 are being served under old contracts at obsolete rates, involving a difference of more than $284,000. Other companies show similar percentages of discriminatory rates, and only a few have reported no obsolete rates in effect at all. Just why this condition of affairs has grown up need not be inquired into at this time. The essential fact to consider is that it exists and is a fact with which the Commission must deal.

The Public Service Commissions Law clearly recognizes in various provisions that discrimination is not always unjust and should not always be made unlawful. It is only unjust and unfair discrimination which is condemned by that statute. An examination of the schedules which have been filed pursuant to the foregoing order discloses discriminations. Before the Commission can assume the responsibility of condemning this discrimination under the authority conferred upon it by subdivision 4 of section 91, it must be reasonably satisfied that such discrimination is unjust. When full examination and consideration have been given to the subject, if any of the existing discriminations are found to be just they can be allowed to stand. As to such as are unjust it will be the duty of the Commission to issue an appropriate order, such as is authorized by subdivision 4 above cited, requiring all such rates hereafter to conform to the standard schedules filed by the corporations, pursuant to section 92. This will undoubtedly have the effect of raising the rate paid by a considerable number of persons throughout the State. It is to be anticipated that the persons affected thereby will consider that they have a vested right to the lower and discriminatory rate which they have been heretofore enjoying, and will feel that the effect of the Public Service Com-

missions Law and of the action of the Commission thereunder has been to raise all rates. It is to be anticipated that the corporations affected may through their employees give assurance that the raise in rates which is occasioned by such order is chargeable solely to the Commission and to the working of the Public Service Commissions Law.

The Commission, however, deems that it has a clear duty to perform in this respect and should not be deterred therefrom by fear of any criticism arising from persons who have heretofore enjoyed the benefit of favor or discrimination.

The complaints received during the first three months are shown in the following tables:

CORRESPONDENCE COMPLAINTS:

Class.	Number.	Closed.	Pending.
Rates	55	23	32
Charges	19	13	6
Discrimination	18	7	11
Traffic	28	19	9
Plant	27	12	15
Equipment	1	1	.....
Miscellaneous	18	7	11
Total	166	82	84

FORMAL CASES:

Class.	Number.	Closed.	Pending.
Stock and bond issue	1	1	.....
Rates	2	.....	2
Refusal to give service desired	3	1	2
Discrimination	1	.....	1
Miscellaneous	1	.....	1
Total	8	2	6

These complaints cover almost the entire range of grievances possible from a public point of view, and while it has been possible to satisfactorily adjust a fair proportion of these complaints, there have naturally arisen many complex problems that will require much time and study to solve. The larger number of complaints relate to rates and discriminatory charges. In cases of alleged discrimination as between one rate and another, also where there are various other causes for complaint, such as delays in furnishing service, poor operating service, inadequate equipment, etc., the issues may be reviewed by the Commission with the expectation

of remedying many faults and rendering the public valuable service in the improvement of conditions concerning which it has occasion to complain.

In case of alleged excessive charges, where the complaint strikes at the fundamental base rate charges of the corporations, there will be need of investigation to cover appraisal of property and study of revenues and expenses which will search to the bottom of the corporations' affairs. Such thorough investigation might be undertaken by the Commission in the case of some of the small corporations, but it would evidently be beyond the limit of appropriation to attempt to make such investigation of the larger corporations. There will, therefore, be need for some further consideration of this feature.

The inspection work has been carefully planned and fairly begun, and will be extended to cover the provision of proper and adequate instrumentalities in rendering service and the adoption of such uniform methods of operation as are best calculated to give prompt and efficient service. The work of the inspectors is in part shown in the following statement:

Companies visited	20
Exchanges inspected	28
Accidents investigated:	
Fatal	2
Non-fatal	3
Correspondence complaints investigated	87

In general, the telephone and telegraph corporations have indicated a commendable readiness to comply with all the orders, recommendations, and suggestions of the Commission, and have coöperated in the adjustment of complaints made to the Commission.

Now that all public service corporations using poles and wires within the streets and highways are under the supervision of the Commission, an important line of action may be undertaken by the Commission relative to the many fatal accidents which occur, including among the victims both the employees of the corporations and the traveling public. At the same time due consideration may be given the question of the numerous and unsightly poles and fixtures which occupy the streets of many of the municipalities. When in possession of sufficient facts, and after making

a proper study of these matters, rules and regulations may be framed which will be calculated to improve existing conditions.

No applications have been received from newly incorporated companies for certificates of public convenience and a necessity to begin the construction of new telephone or telegraph lines.

One application has been made for a merger, *i. e.,* for the combination of the Empire State Telephone and Telegraph Company with the New York Telephone Company; and the one case affecting the securities of corporations is that of the Auburn Telephone Company, which was authorized to make substitution in its bond issue without increasing its actual indebtedness.

Section 95 of the Public Service Commissions Law provides, "Every telegraph corporation and every telephone corporation shall file with the commission an annual report at a time and covering the yearly period fixed by the commission." No action has yet been taken by the Commission under this provision of law, except to direct the division of statistics and accounts to prepare the form of annual reports. Such work of preparation is in progress and will be shortly completed. It is the present intention of the Commission to make the yearly period to be covered by the annual reports of these corporations correspond with the calendar year, and allow a suitable time after December 31st of each year for the closing of accounts and the preparation of the report.

Subdivision 2 of the same section provides, "The commission may establish a system of accounts to be used by telegraph corporations and telephone corporations, which are subject to its jurisdiction, and are required to make annual reports to it, or classify the said corporations, and prescribe a system of accounts for each class and may prescribe the manner in which such accounts shall be kept." Deeming a uniform system of accounts absolutely indispensable in the supervision of corporations under its jurisdiction, immediately after September 1st the Commission directed its statistician to prepare such a system of accounts for telephone corporations. Such work is now actively in progress. Many accounts peculiar to the operations of telephone corporations require careful study and consideration. Growing telephone corporations are continuously engaged in the work of construction. This fact requires careful treatment in accounting. Other interesting problems do

not even require allusion at this time. Whenever a reasonably satisfactory tentative system of accounts is prepared, it will be printed and copies served upon the corporations affected thereby. A public hearing will be appointed for a consideration of the system, and a satisfactory system of accounts, it is to be hoped, will be evolved by the joint labors of the Commission and the corporations affected.

The most important complaint concerning telephones which has been filed with this Commission is that against the interborough toll rates charged and collected by the New York Telephone Company within the city of New York. Such complaint was received from a variety of sources, but not in such definite form as is contemplated by the statute. The Commission, therefore, upon its own motion appointed a hearing and has been conducting an investigation into those rates. A large mass of evidence has been taken and is now being considered by the Commission.

CAPITALIZATION

The following table is an analysis of the authorizations granted by the Commission for the issue of stocks, bonds, and other evidences of indebtedness, pursuant to sections 55, 69, and 101 of the Public Service Commissions Law, from July 1, 1907, to and including December 31, 1910:

TABLE showing applications passed upon since July 1, 1907, for authorizations under sections 55, 69, and 101 of the Public Service Commissions Law, classified as to kind of corporation, year, number of applications, and amounts authorized:

Class.	1907, six months.				1908.			
	Stocks.		Bonds, etc.		Stocks.		Bonds, etc.	
	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.
Steam Railroads	....	.....	8	$9,769,045 49	2	$220,000 00	14	$70,379,700 00
Electric Railroads	....	.....	1	100,000 00	3	14,230,200 00	5	1,365,000 00
Electrical Corporations	7	$1,140,700 00	6	5,924,000 00	12	320,500 00	17	792,500 00
Gas Corporations	1	7,000 00	....	.....	4	76,000 00	2	139,500 00
Gas and Electrical Corporations	1	150,000 00	3	640,000 00	....	.....	12	4,730,500 00
Total	9	$1,297,700 00	18	$16,433,045 49	21	$14,846,700 00	50	$77,407,200 00

Class.	1909.				1910.			
	Stocks.		Bonds, etc.		Stocks.		Bonds, etc.	
	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.
Steam Railroads	6	$48,510,000 00	12	$73,319,375 85	3	$540,000 00	17	$114,848,000 00
Electric Railroads	4	4,154,000 00	15	4,950,360 00	8	2,677,700 00	11	8,737,434 00
Electrical Corporations	17	1,991,500 00	14	6,036,500 00	26	2,402,800 00	24	17,488,869 00
Gas Corporations	4	502,700 00	9	862,000 00	5	63,000 00	4	148,500 00
Gas and Electrical Corporations	....	.....	14	2,528,600 00	5	648,700 00	14	3,320,105 00
Telephone Corporations	....	.....	....	.....	....	.....	1	173,000 00
Total	31	$55,158,200 00	64	$87,696,835 85	47	$6,332,200 00	71	$144,715,908 00

Summary of above Table:

Total number of applications, stocks		108
Total number of applications, bonds, etc		203
Total number of applications		311
Total amount authorized, stocks	$77,634,800 00	
Total amount authorized, bonds, etc	326,252,989 34	
Total authorized	$403,887,789 34	
Total amount authorized 1907	$17,730,745 49	
Total amount authorized 1908	92,253,900 00	
Total amount authorized 1909	142,855,035 85	
Total amount authorized 1910	151,048,108 00	
Increase in number of cases 1910 over 1909		24.2%
Increase in amount authorized 1910 over 1909		5.7%

The following tables show the applications which have been passed upon by the Commission during the year 1910, pursuant to sections 55, 69, and 101 of the Public Service Commissions Law, for issues of stocks, bonds, and other evidences of indebtedness:

TABLE showing applications under section 55 of the Public Service Commissions Law for permit to issue stock, bonds, or other evidences of indebtedness by railroad corporations; etc.:

Name of Corporation.	Nature of security.	Amount allowed.	Date of permit 1910.
Port Jervis Trac. Co	Capital stock	$20,000	Jan 6
	Bonds	70,000	" 6
Rockland Railroad Co	Capital stock	1,050,000	" 26
	Bonds	2,350,000	" 26
Lake S. & M. S. Ry. Co	Bonds	15,000,000	" 27
L. S. & M. S. Ry. Co. guarantees bonds of Jamestown, Franklin & Clearfield R.R. Co.	Bonds	11,000,000	" 27
Buffalo, Roch. & Pittsburgh Ry. Co	Bonds	1,277,000	" 31
Del. & Eastern Ry. Co	Bonds	400,000	Feb 9
Kingston Con. R.R. Co	Note	35,000	" 15
Putnam & Westchester Traction Company	Bonds	11,000	Mar 10
N. Y. State Railways	Capital stock	720,000	" 10
	Bonds	2,435,000	" 10
N. Y. State Railways	Bonds	2,073,634	" 18
Elizabethtown Terminal Railroad Company	Capital stock	80,000	" 29
	Bonds	150,000	" 29
N. Y. C. & H. R. R.R. Co. and L. S. & M. S. Ry. Co	Equip. trust ctfs	30,000,000	" 31
N. Y. State Railways	Amendment order	March 10	" 31
N. Y., O. & W. Ry. Co	Notes	720,000	" 31
Catskill Traction Co	Capital stock	60,000	Apr 5
	Bonds	60,000	" 5
Western N. Y. & P. Trac. Co	Capital stock	600,000	" 13
Orange Co. Trac. Co	Bonds	658,800	May 14
B. & A. Railroad Co	Imp. bonds	2,000,000	Jun 14
N. Y. C. & H. R. R.R. Co	To guar. above bds.	.....	" 14
Hornell-Bath Interurban Railway Co	Bonds	195,000	" 21
Westchester Northern Railroad Company	Capital stock	60,000	" 21
Lehigh Valley Ry. Co	Bonds	825,000	" 30
Frank Sullivan Smith, Receiver P., S. & N. R.R. Co	Receiver's ctfs	1,500,000	Jul 8
Port Jervis Trac. Co	Amendment order Jan. 6, 1910	.....	" 20
Rome Watertown & Ogdensburg R. R. Co.	Bonds	419,000	" 25
Port Jervis Trac. Co	Amendment order Jan. 6, 1910	.....	" 25
B. & A. Railroad Co	Amendment order June 14, 1910	.....	Aug 22
Buff., Roch. & Pittsburgh Ry. Co	Bonds	120,000	" 24
Long Island R.R. Co	Reference order Nov. 18, 1909	.....	" 29
N. Y. C. & H. R. R.R. Co	Equip. trust ctfs	30,000,000	Oct 6
Leslie Sutherland, Receiver Yonkers R.R. Co.	Receiver's ctfs	160,000	" 10
Erie Railroad Co	Bonds	1,000,000	" 11
N. Y., Westchester & Boston Railway Co	Bonds	5,000,000	" 18
Frank Sullivan Smith, Receiver P., S. & N. R.R. Co	Amendment order July 8, 1910	.....	" 18
Hornell Traction Co	Capital stock	120,000	" 19
Frank Sullivan Smith, Receiver P., S. & N. R.R. Co	Equip. trust ctfs	220,000	" 25
Dunkirk, A. V. & Pittsburgh R.R. Co	Bonds	2,900,000	Nov 1
New York State Railways	Capital stock	7,700	" 1
Southwestern New York Traction Company	.....	Closed on record.	" 2
Hoosick Falls R.R. Co	Capital stock	100,000	Dec 1
Elmira, Corning & Waverly Ry	Bonds	689,000	" 20
Fitchburg R.R. Co	Pref. stock	400,000	" 28
Central N. E. Ry. Co	Bonds	12,317,000	" 29

TABLE showing applications under section 69 of the Public Service Commissions Law for permit to issue stock, bonds, or other evidences of indebtedness by electrical corporations and gas corporations:

Name of Corporation.	Nature of security.	Amount.	Date of permit 1910.
Orange Co. Lighting Co	Bonds	$82,600	Jan 4
Port Jervis Light & Power Co	Capital stock	118,000	" 6
	Bonds	182,000	" 6
Oswego River Pr. Transmission Co	Bonds	60,000	" 24
Rensselaer Falls Elec. Light & Power Co	Capital stock	6,000	" 26
Elmira Water, Light & Railroad Co	Bonds	20,000	" 31
Binghamton Gas Works	Bonds	26,000	" 31
North Creek Electric Co	Bonds	20,000	" 31
	Capital stock	20,000	" 31
Binghamton Lt., Ht. & Pr. Co	Bonds	697,500	" 31
Cliff Electrical Distributing Co	Bonds	500,000	Feb 4
	Capital stock	250,000	" 4
The Empire Electric Co	Capital stock	21,800	" 15
The Niagara Falls Power Co	Bonds	10,095,000	" 18
Rochester Ry. & Lt. Co	Bonds	1,271,505	" 22
Syracuse Lighting Co	Bonds	354,000	" 24
Rochester Ry. & Lt. Co	Amendment order Feb. 22, 1910	.....	" 28
Oriskany Hydro-Elec. Co	Bonds	1,100,000	" 24
	Capital stock	425,000	" 24
Cliff Electrical Distributing Co	Bonds	400,000	Mar 17
Antwerp Lt. & Pr. Co	Capital stock	43,000	" 17
Niagara Lt., Ht. & Pr. Co	Bonds	21,000	" 17
Hoosac River Electric Lt. & Power Co	Capital stock	15,000	" 29
Hornell Electric Co	Capital stock	17,500	" 31
Fulton Co. Gas & Electric Co	Notes	99,000	" 31
Geneva-Seneca Electric Co	Bonds	341,125	Apr 5
Peoples Gas & Electric Co	Capital stock	150,000	" 13
East Creek Elec. Light & Power Co	Capital stock	300,000	" 21
	Bonds	1,750,000	" 21
South Shore Gas Co	Capital stock	25,000	" 27
	Bonds	100,000	" 27
Thousand Island Elec. Lt. & Pr. Co., Ltd	Amendment order July 1, 1909	.....	" 29
Deer River Pr. Co	Bonds	67,000	" 29
East Creek Electric Lt. & Power Co	Amendment order Apr. 21, 1910	.....	May 5
Syracuse Lighting Co	Amendment order Feb. 24, 1910	.....	" 17
Snyder Gas Co	Capital stock	5,000	" 17
Riverhead Elec. Lt. Co	Capital stock	6,000	" 17
Mohawk Power Co	Closed on record	.....	" 17
Genesee Light & Power Co	Pref. cap. stock	100,000	" 17
	Com. cap. stock	50,000	" 17
Geneva & Auburn Ry. Co	Denied	.....	" 17
East Hampton Elec. Lt. Co	Bonds	34,500	" 24
Geneva-Seneca Elec. Co	Bonds	114,444	" 24
Conant-Bryant Power Co	Capital stock	25,000	Jun 8
Fulton Co. Gas & Elec. Co	Notes	99,000	" 8
Ithaca-Auburn Power Co	Closed on record	.....	" 18
Canisteo Gas Co	Bonds	12,000	" 13
Howard A. Pierce Elec. Lt. Co	Capital stock	12,500	" 21
Dansville Gas & Elec. Co	Bonds	10,000	" 27
Canisteo Gas Co	Bonds	10,500	" 28
Bath Elec. & Gas Lt. Co	Bonds	150,000	" 30
Wayne Co. Gas & Elec. Co	Capital stock	200,000	Jul 5
Cayadutta Generating Co	Capital stock	30,000	" 14
	Bonds	30,000	" 14
Mohawk Hydro-Electric Co	Capital stock	675,000	" 14
	Bonds	932,000	" 14
Port Jervis Lt. & Pr. Co	Amendment order Jan. 6, 1910	.....	" 20
Olean Elec. Lt. & Pr. Co	Capital stock	50,000	" 20
Homer & Cortland Gas Lt. Co	Amendment order Aug. 27, 1909	.....	" 25
Newburgh Lt., Ht. & Pr. Co	Bonds	70,500	" 25
Riverhead Electric Lt. Co	Bonds	5,000	" 25
Riverhead Electric Lt. Co	Bonds	2,300	" 25
Warwick Valley Lt. & Pr. Co	Bonds	25,000	Aug 22
Wayne Co. Gas & Elec. Co	Bonds	444,000	" 22
Lima-Honeoye Lt. Co	Capital stock	5,000	" 22
Snyder Gas Co	Capital stock	5,000	" 22
Hornell Electric Co	Capital stock	12,000	" 24

TABLE showing applications under section 69 of the Public Service Commissions Law for permit to issue stock, bonds, or other evidences of indebtedness by electrical corporations and gas corporations (*concluded*):

Name of Corporation.	Nature of security.	Amount.	Date of permit 1910.
Binghamton Lt., Ht. & Pr. Co	For rehearing	Denied	Aug 25
Homer & Cortland Gas Lt. Co	Amendment order Aug. 27, 1909	.....	Sep 14
Wayne Co. Gas & Elec. Co	Authority to pledge bonds to secure loan	.....	" 14
Red Hook Lt. & Pr. Co	Bonds	$70,000	" 14
Southern New York Power Co	Capital stock	30,700	" 14
Huntington Lt. & Pr. Co	Bonds	98,000	Oct 6
	Capital stock	2,000	" 6
Cataract Power & Conduit Co	Bonds	175,000	" 12
Williamsville Elec. Lt. & Pr. Co	Abrogation order Aug. 12, 1908	.....	" 18
Westchester Lighting Co	Modification order June 22, 1909	.....	" 18
Middleport Gas & Elec. Lt. Co	Bonds	16,500	" 19
Huntington Lt. & Pr. Co	Amendment order Oct. 6	.....	" 26
Ridge Road Gas & Oil Co	Capital stock	25,000	Nov 1
Islip Electric Light Co	Capital stock	30,000	" 16
	Bonds	20,000	" 16
Ithaca-Auburn Power Co	.....	Denied	" 22
Dunkirk Distribution Co	Capital stock	9,500	Dec 13
Dunkirk Power & Heating Co	Capital stock	3,000	" 13
Hartwick Power Co	Capital stock	300,000	" 20
	Bonds	400,000	" 20
Niagara Falls Power Co	Modification order Feb. 18, 1910	.....	" 20
Patchogue Electric Light Co	Capital stock	30,000	" 20
Cherry Gas & Oil Co	Capital stock	3,000	" 20
Utica Gas & Electric Co	Bonds	500,000	" 21
Owego Light & Power Co	Bonds	32,000	" 21
Bolton Light & Power Co	Capital stock	12,500	" 21
	Bonds	10,000	" 21
Niagara & Erie Power Co	Capital stock	100,000	" 21
	Bonds	510,000	" 21
Hoosac River Elec. Lt. & Pr. Co	Capital stock	2,000	" 22

TABLE showing applications under section 101 of the Public Service Commissions Law for permit to issue stock, bonds, or other evidences of indebtedness by telegraph and telephone corporations:

Name of Corporation.	Name of security.	Amount.	Date of permit. 1910.
Auburn Telephone Co	Bonds	$173,000	Oct. 26

VARIOUS APPLICATIONS

The following table shows the applications of corporations which have been passed upon by the Commission during the year 1910, pursuant to section 53 of the Public Service Commissions Law and section 9 (former section 59) of the Railroad Law:

TABLE showing applications under section 53 of the Public Service Commissions Law for approval of construction and exercise of franchise by railroad corporations, etc.:

Name of Corporation.	Nature.	Date of permit 1910.
C. F. Wright, E. P. Emerson, I. N. Beardsley, C. Richard Taylor, and Frank R. Moody	Operating street railroad	Dis-approved. Jan 6
Central New England Ry. Co	Build cut-off	Closed on record Feb 15
Schenectady Ry. Co	Extension	March 10
Westchester Elec. R.R. Co	Exercise of franchise in city of Mt. Vernon	" 18
Westchester Elec. R.R. Co	Exercise of franchise in village of Pelham Manor	" 22
Delaware & Hudson Co	Extension	April 13
Hudson Valley Railway Co	Construction of high-tension line	" 29
Port Jervis Traction Co	Extension	May 5
Westchester Northern R.R Co	Certificate of public convenience and a necessity	" 24
N. Y. C. & H. R.R. R. Co	Construction of cut-off	June 2
N. Y. C. & H. R.R. R. Co	Construction of cut-off	" 21
Hudson Valley Railway Co	Extension	July 5
Utica, Clinton & Bing. R.R. Co. and Utica & Mohawk Va. Ry. Co. as lessee	Change in location of track	Aug 22
Fonda, Johnstown & Gloversville R. R. Co.	Extension	" 22
Utica & Mohawk Val. Ry. Co	Change in location of track	" 22
Utica & Mohawk Val. Ry. Co	Change in location of track	" 22
Black River Traction Co	Extension	" 22
W. N. Y. & P. Ry. Co. and Penn. R.R. Co.	Change in location of track	" 22
N. Y. C. & H. R. R.R. Co	Construction of switch	" 29
W. N.Y. & P. Ry. Co. and Penn. R. R. Co.	Amendment of order of Aug. 22	Sept 20
Auburn & Syracuse Elec. Ry. Co	Extension	" 20
N.Y. C. & H. R. R. R. Co., N. Y., Ontario & Western Ry. Co. and Rome & Clinton R.R. Co	Amendment order June 21	Oct 18
N. Y., Westchester & Boston Ry. Co	Exercise of franchise	" 18
Lehigh Valley R. R. Co	Construction of switch	" 18
Long Island R.R. Co	Change of route	Withdrawn Oct 19
Southwestern New York Trac. Co	Change of route	Closed on record Nov 2
Auburn & Northern Electric R.R. Co	Approval of franchise authorizing extension of tracks	" 14
Auburn & Syracuse Electric R.R. Co	Approval of franchise authorizing extension of tracks	" 14
Elmira Water, Light & R.R. Co	Extension	Dec 2
Geneva, Waterloo, Seneca Falls & Cayuga Lake Tr. Co	Extension	Closed on Record Dec 20

The following table shows the applications of corporations which have been passed upon by the Commission during the year 1910, pursuant to section 68 of the Public Service Commissions Law:

TABLE showing applications under section 68 of the Public Service Commissions Law for approval of construction and exercise of franchise by electrical corporations and gas corporations:

Name of Corporation.	Date of permit 1910.
C. F. Wright, E. P. Emerson, I. N. Beardsley, C. Richard Taylor, and Frank R. Moody (disapproved)	Jan 6
Genesee Fruit Co	" 27
Elmira Water, Light & Railroad Co	" 31
Elmira Water, Light & Railroad Co	" 31
North Creek Electric Co	" 31
Cliff Electrical Distributing Co	Feb 4
Corning Gas & Electric Co	Mar 8
North Syracuse Light & Power Co	" 8
Urban O. Webb of Edwards, St. Lawrence Co., N. Y	" 8
Village of Port Byron	" 10
Hoosac River Electric Light & Power Co	" 29
Corning Gas & Electric Co	" 31
Antwerp Light & Power Co	" 17
Conant-Bryant Power Co	Apr 26
South Shore Gas Co	" 27
Islip Electric Light Co	May 5
Port Jervis Light & Power Co	" 5
Snyder Gas Co	" 17
Economic Power & Construction Co	" 24
Ulster Lake Co. (application withdrawn)	" 24
North Shore Elec. Light & Power Co. (denied)	June 1
Mohawk Gas Co. of Schenectady	" 2
Conant-Bryant Power Co	" 8
Ithaca-Auburn Power Co. (closed on record)	" 8
Mary E. Seely and Charles A. Seely	" 13
Israel C. Washburn	" 22
Hartwick Power Co. (denied)	" 30
New Light, Heat & Power Co. of Newark, N. Y	July 5
Palmyra Gas & Electric Co	" 5
Newark Gas, Light & Fuel Co	" 5
Mohawk Hydro-Electric Co	" 7
Cayadutta Generating Co	" 14
Riverhead Electric Light Co	" 25
Newburgh Light, Heat & Power Co	" 25
Livonia Light & Heat Co	Aug 22
Trustees Village of Silver Springs	" 24
Municipal Gas Co., Albany, N. Y	Sept 14
Red Hook Light & Power Co	" 14
Avon Electric Co	" 20
Brocton Gas & Fuel Co	" 20
Geneva-Seneca Electric Co	" 27
George B. Woodmancy, East Randolph, N. Y	" 30
Peekskill Lighting & Railroad Co	Oct 4
Hannibal Electric Co	" 4
Northern Power Co	" 11
A. W. Gregory, Morristown, N. Y	" 26
United Natural Gas Co	Nov 1
Ridge Road Gas & Oil Co	" 1
Cherry Gas & Oil Co	" 1
Hamburg Water & Electric Light Co	" 14
Livingston-Niagara Power Co	" 16
Ithaca-Auburn Power Co. (denied)	" 22
Middleport Gas & Electric Light Co	Dec 1
Dunkirk Distribution Co	" 13
Deer River Power Co	" 20
Bolton Light & Power Co	" 21
Niagara & Erie Power Co	" 21
Niagara & Erie Power Co	" 21
Hoosac River Electric Light & Power Co	" 22

The following table shows the applications of corporations which have been passed upon by the Commission during the year 1910, pursuant to various sections of the Railroad Law and Public Service Commissions Law, not elsewhere tabulated:

TABLE showing sundry applications not elsewhere mentioned, miscellaneous:

Name of Applicant.	Nature of Application.	Decided 1910.
Port Jervis Electric Lt., Pr., Gas & R.R. Co	Abandonment of portion of route	Closed on record Jan 6
Port Jervis Light & Power Co	Acquirement of bonds of Port Jervis Traction Co	" 6
Bennington & No. Adams St. Ry. Co	Abandonment of portion of route	" 6
N. Y. C. & H. R. R.R. Co	Exchange of debenture bonds for capital stock of the G., C. & S. R.R. Co	Amended order Jan 12
Hudson Valley Ry. Co	Joint use of cars, locomotives, etc. of the G. & J. Ry. Co	" 26
N. Y. & Ottawa Ry. and N. Y. C. & H. R. R.R. Co	Approval of lease	" 27
Elmira Water, Light & R.R. Co	To acquire stock of Montour Falls Elec. Lt. Co	" 31
Central New Eng. Ry. Co	Sec. 62 R. R. Law	" 31
Utica & Mohawk Valley Ry. Co	Approval of agreement with N. Y. C. & H. R. R.R. Co	" 31
Cliff Electrical Distributing Co. and Niagara Falls Hydraulic Pr. & Mnfg. Co.	Transfer of franchises, works, and system	Feb 4
Geneva, Waterloo, Seneca Falls & Cayuga Lake Tn. Co	Approval of form of mortgage	" 9
New York State Railways	Sec. 68 R. R. Law	" 10
N. Y. C. & H. R. R.R. Co	Sec. 62 R. R. Law (amended)	" 15
Syracuse Rap. Tr. Ry. Co. and Oneida Ry. Co	Approval of traffic agreement	" 15
Utica & Mohawk Valley Ry. Co. and Oneida Ry. Co	Approval of traffic agreement	" 15
Orange Co. Lighting Co	Approval of form of mtge	" 18
Oswego River Power Transmission Co	Approval of form of mtge	" 23
Lehigh Valley R.R. Co	Sec. 68 R.R. Law	" 25
Charles P. Dickinson and Charles H. Stokes	Transfer of electric plant	Mar 8
Charles P. Dickinson and Arnold C. Dickinson	Transfer of franchises and an electric plant	" 8
N. Y. C. & H. R. R.R. Co	Extension of time in which to equip oil burning locomotives	" 8
N. Y. C. & H. R. R.R. Co	Abandonment of freight station at Lincoln, N. Y.	" 8
N. Y. C. & H. R. R.R. Co	Abandonment of freight station at Worthington, N. Y.	" 8
Cranberry Lake R.R. Co	Extension of time in which to put in use oil burning locomotives	" 10
New York State Railways	Approval of plans for crossing track of N. Y. C. & H. R. R.R.	" 10
Hornell-Bath Interurban Ry. Co	Approval of form of mtge	" 17
Elizabethtown Terminal R.R. Co	Sec. 60 R.R. Law	" 29
Catskill Traction Co	To acquire property and franchises of W. C. Wood	Apr 5
N. Y. & Ottawa Ry. Co	Discontinuance of station	Dismissed Apr 13
Hornell-Bath Interurban Ry. Co	Approval of form of mtge	" 13
Peoples Gas & Electric Co	To acquire stock, property, and franchises of Citizens Lighting Co.	" 13
Mayor and Common Council of City of Yonkers and N. Y. C. & H. R. R.R. Co	Sec. 62 R.R. Law	" 20
N. Y. C. & H. R. R.R. Co	Exemption of inspection engine as to oil burning	" 25
Delaware & Hudson Co	Exemption of inspection engine as to oil burning	" 26
Conant-Bryant Power Co	Transfer of franchises and approval of agreement	" 26
South Shore Gas Co	Transfer of franchises	" 27
Town Board and Town Supt. of Highways, Town of Colchester	Sec. 61 R.R. Law	" 27
Cliff Electrical Distributing Co. and Niagara Falls Hydraulic Pr. & Mfg. Co.	Transfer of property	" 27
Bennington & No. Adams St. Ry. Co	Abandonment of portion of route	Denied Apr 27
State Highway Commission	Sec. 62 R.R. Law	" 29
New York State Railways	Approval of agreement with N. Y. C. & H. R. R.R. Co	May 5
Port Jervis Traction Co	Abandonment of portion of route	" 5

TABLE showing sundry applications not elsewhere mentioned, miscellaneous (*continued*):

Name of Applicant.	Nature of Application.	Decided 1910.
Snyder Gas Co	Transfer of agreement by H. B. Huver	May 17
Riverhead Electric Light Co. and Hallett Light & Power Co	Transfer of property, works, and system, etc., of H. L. & P. Co. to the R. E. L. Co	" 17
Board of Supervisors, County of Nassau	Sec. 62 R.R. Law	Closed on record May 17
Niskayuna Power Co	Sec. 70 P. S. C. Law	Closed on record May 17
Economic Power & Construction Co	Transfer of its rights, franchises, etc	May 24
East Creek Electric Light & Power Co	Approval of form of mtg	" 27
New York State Railways	Approval of form of mtg	" 20
N. Y., N. H. & H. R.R. Co	Approval of tariff, to be effective five days after filing	Denied May 23
N. Y., N. H. & H. R.R. Co	Approval of tariff, to be effective five days after filing	Denied May 23
N. Y., Westchester & Boston Ry. Co	Approval of abandonment of portion of route	" 24
N. Y. C. & H. R. R.R. Co	Discontinuance of freight and ticket agency at Kalurah station	" 24
N. Y. C. & H. R. R.R. Co	Exemption of switching engine as to oil burning	" 25
N. Y. C. & H. R. R.R. Co	Exemption of ballast engines as to oil burning	Denied May 25
Town of Norfolk	For rehearing in matter of crossing	" 27
East Creek Elec. Lt. & Pr. Co	Approval of form of mtg	" 27
Greenwich & Johnsonville Ry. Co	For modification of order of former Board of R.R. Commrs	Withdrawn May 27
Schenectady Ry. Co. and United Traction Co	Approval of assignment of franchises from former to latter	June 2
Schenectady Ry. Co. and United Traction Co	Approval of lease dated Nov. 30, 1908, from former to latter	" 2
United Trac. Co. and Schenectady Ry. Co.	Approval of agreement	" 2
N. Y. C. & H. R. R.R. Co	Sec. 60 R.R. Law	" 2
N. Y., West. & Boston Ry. Co	Sec. 60 R.R. Law	" 2
Poughkeepsie City & Wappingers Falls Elec. Ry. Co	Approval of agreement	" 2
Geneva-Seneca Electric Co	Approval of mtg	" 8
N. Y. C. & H. R. R.R. Co	As to changes in plans of grade crossings in Ossining	" 8
East Creek Elec. Lt. & Pr. Co	Amendment of form of mtg	" 8
N. Y. C. & H. R. R.R. Co	Discontinuance of station at Philipse Manor	Jun 8
Mohawk Hydro-Electric Co	Transfer of franchise to Fulton Co. Gas & Elec. Co	" 13
City of Olean	To compel W. N. Y. & Pa. Traction Co. to file plans of bridge	Closed on record Jun 21
Elizabeth Pierce, Howard A. Pierce, and Laura S. Frank	Transfer of franchises and works to Howard A. Pierce Elec. Light Co.	Jun 21
Orange County Trac. Co	Authority to issue a supplemental indenture	" 21
Receivers of Hudson R. El. Power Co	Approval of extension of lease	" 21
Wayne Co. Gas & Elec. Co	Consolidation of gas and electric company	" 22
Raymondville & Waddington R.R. Co	Sec. 60 R.R. Law (amended)	" 27
Catskill Traction Co	Approval of form of mtg	" 27
Village of Little Valley	Sec. 61 R.R. Law (closed on record)	" 27
Crosstown St. Ry. Co. of Buffalo	Abandonment of portion of route	Jul 5
Hudson Valley Ry. Co	Sec. 98 R.R. Law	" 7
Poughkeepsie City & Wappingers Falls Elec. Ry. Co	Discontinuance of waiting room	" 14
N. Y. C. & H. R. R.R. Co	Sec. 91 R.R. Law	" 14
Cayadutta Generating Co	Approval of transfer of rights and titles of franchises owned by A. Z. Wemple and J. S. Wilson	" 14
Solvay Process Co. and Syracuse Suburban R.R. Co	Approval of contract	" 19
Marion Halliday and Newburgh Light, Heat & Power Co	Transfer of franchises, works, and system	" 25

TABLE showing sundry applications not elsewhere mentioned, miscellaneous (*continued*):

Name of Applicant.	Nature of Application.	Decided 1910.	
Clarence Mulkins	Transfer of plant, etc., to Carleton A. Graves	Jul	25
Lima-Honeoye El. Lt. & R. R. Co. and Lima, Honeoye Light Co	Approval of lease	Aug	22
N. Y. C. & H. R. R. R. Co	Exemption of switching engine as to oil burning	"	22
Buffalo, Roch. & Pittsburgh Ry. Co	Authority to purchase outstanding stock of Silver Lake Ry. Co	"	24
N. Y. C. & H. R. R. R. Co	Sec. 62 Railroad Law	Jul	25
N. Y. C. & H. R. R. R. Co	Sec. 62 Railroad Law	"	25
N. Y. C. & H. R. R. R. Co	Sec. 62 Railroad Law	Aug	22
N. Y. C. & H. R. R. R. Co	Sec. 62 Railroad Law	"	25
N. Y. C. & H. R. R. R. Co	To dispense with the erection and maintenance of bridge ticklers within electric zone, denied	Sep	8
Delaware & Hudson Co	Authority to purchase 500 shares stock of Greenwich & Johnsonville Ry. Co	"	12
Mayor and Corporation Counsel, City of Port Jervis	In relation to safety and service of gas and electric plants and street railway service, closed on record	"	14
John H. Sharpe and Red Hook Lt. & Pr. Co	Transfer of franchise	"	14
Southern N. Y. Power Co	Transfer of franchises from Walton Elec. Lt. Co. and the Mulkins Elec. Light Co	"	14
F., J. & G. Ry. Co	Change of route, closed on record	"	20
N. Y. C. & H. R. R. R. Co. and Westchester Elec. R. R. Co	Sec. 98 Railroad Law	"	20
Frost Gas Co	To purchase stock of Brocton Gas & Fuel Co	"	20
State Com. of Highways	Sec. 62 Railroad Law	"	30
State Com. of Highways	Sec. 62 Railroad Law	"	30
South Shore Gas Co	Approval of form of mtge	"	30
New York State Railways	Cancellation and destruction of bonds of R. & E. R. Ry. Co	"	30
N. Y. & Stamford Ry. Co	Permission to build two turnouts and for approval of plans, denied	"	30
State Com. of Highways	Sec. 62 Railroad Law	Oct	4
Charles A. Cox, Ernest W. Rice, and Theodore P. Ball	To transfer franchise to Hannibal Elec. Co	"	4
Greenwich & Johnsonville Ry. Co	Sec. 60 Railroad Law	"	6
J. Addison Young as Receiver, etc	Approval of proposed agreement as to operation of cars from New Rochelle	"	6
J. Addison Young as Receiver, etc	Approval of proposed agreement as to operation of cars from Mt. Vernon to White Plains	"	6
State Com. of Highways	Sec. 91 Railroad Law	"	6
James W. Stearns, Gerson A. Stearns, Henry H. Argue, Peter Grader, and United Natural Gas Co	Transfer of franchise, works, and system to United Natural Gas Co.	"	18
Moritz Mayer and Syracuse Lighting Co	To transfer rights and franchises to Syracuse Lighting Co	"	18
Cent. New Eng. Ry. Co	Sec. 91 Railroad Law	"	19
Hornellsville Elec. Ry. Co., Hornellsville & Canisteo Ry. Co., and Canisteo Elec. Ry. Co	Approval of agreement of consolidation	"	19
Long Island R. R. Co	Discontinuance of station at Cold Spring, withdrawn	"	19
Western N. Y. & Pa. R. R. Co. and Penn. R. R. Co	Sec. 91 Railroad Law	"	25
Dunkirk, A. V. & Pittsburgh R. R. Co. and N. Y. C. & H. R. R. R. Co	Leave to modify lease dated Jan. 3, 1873	Nov	1
Lehigh & Hudson River Ry. Co	Discontinuance of station at Hamptonburgh, N. Y., denied	Nov	1
Central New England Ry. Co	Sec. 91 Railroad Law, amendment order Oct. 19	"	14
Glenfield & Western R. R. Co	Permission to cease operation from Dec. 25, 1910, to Apr. 30, 1911	"	14
Town Board of Town of Ramapo, Rockland Co	Sec. 91 Railroad Law	"	14

TABLE showing sundry applications not elsewhere mentioned, miscellaneous (*concluded*):

Name of Applicant.	Nature of Application.	Decided 1910.
Town Boards of Hempstead and No. Hempstead	Sec. 91 Railroad Law	Nov 14
William Stock	Permission to transfer property, rights, and franchises to Hannibal Elec. Co	" 14
Hannibal Elec. Co. and Cox & Rice	Permission to transfer franchises and property to Oswego River Pr. Transmission Co	" 14
N. Y. C. & H. R. R. R. Co	Permission to discontinue freight station at Brinker Place, Rochester, N. Y	" 14
N. Y. C. & H. R. R. R. Co	Sec. 91 Railroad Law, withdrawn	" 22
N. Y., N. H. & H. R. R. Co	Permission to acquire stock of Hoosick Falls R. R. Co	Dec 1
N. Y. C. & H. R. R. R. Co	Sec. 89 Railroad Law	" 1
Long Island R. R. Co	Sec. 91 R. R. Law	" 1
N. Y., O. & W. Ry. Co	Sec. 91 R. R. Law	" 2
Town Board of Town of Dryden, Tompkins Co	Sec. 91 Railroad Law	" 2
W. N. Y. & P. Ry. Co., and Penn. R. R. Co.	Sec. 91 Railroad Law	" 13
New York Telephone Co	Consent to merge Empire State Telephone & Telegraph Co	" 13
Town Board of Town of Geddes, Onondaga Co	Sec. 91 Railroad Law, closed on records	" 13
Dunkirk Pr. & Ht. Co. and Dunkirk Distribution Co	To consolidate into Dunkirk Pr. & Ht. Co	" 13
Dunkirk Pr. & Ht. Co., Dunkirk Distribution Co., and Dunkirk Elec. Mfg. Co.	Sec. 70, P. S C. Law, as to transfer of property, etc	" 13
Hartwick Power Co	Consent to execute agreement with Otsego & Herkimer R.R. Co	" 20
Hartwick Power Co	Permission to purchase property, etc., of Susquehanna River Power Co	" 20
Lake Shore & Michigan So. Ry. Co	Sec. 91 Railroad Law	" 20
N. Y. C. & H. R. R.R. Co	" 91 Railroad Law	" 20
Long Island R.R. Co	" 91 Railroad Law	" 20
Board of Trustees, Village of Solvay	For an order requiring the S. R. T. Ry. Co. to extend tracks, closed.	" 21
New York Telephone Co	As to amendments of rates	" 21
Buffalo & Lake Erie Tr. Co., and Niagara, Lockport & Ontario Power Co	Transfer of property, etc., to Niagara & Erie Power Co	" 21
Lehigh Valley R. R. Co	Dis. siding at Industry	" 29
Red Hook Light & Power Co	Approval form bds. and mtge	" 29

GAS AND ELECTRICAL RATES

Until June, 1910, the jurisdiction of this Commission over rates enforced by gas corporations and electrical corporations was limited, so far as concerns express statutory provision, to investigating and determining upon complaint the maximum price to be charged. In that month there became effective, by act of the Legislature, amendments to the Public Service Commissions Law of the utmost significance and by which the general and specific powers of the Commission in the matter were greatly enlarged. That the question of just and equitable rates was not to be solved in the exercise alone of the authority to fix the maximum price, and that there exist broader and more fundamental problems to be dealt with, is now recognized in these amendments which (1) provide that

All charges made or demanded by any such gas corporation, electrical corporation or municipality for gas, electricity or any service rendered or to be rendered, shall be just and reasonable and not more than allowed by law or by order of the commission (sec. 65, par. 1).

(2) Prohibit

Every unjust or unreasonable charge made or demanded for gas, electricity or any such service, or in connection therewith, or in excess of that allowed by law or by the order of the commission (sec. 65, par. 1).

(3) Prescribe that

No gas corporation, electrical corporation or municipality shall directly or indirectly, by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for gas or electricity or for any service rendered or to be rendered or in connection therewith, except as authorized in this chapter, than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service with respect thereto under the same or substantially similar circumstances or conditions (sec. 65, par. 2).

And with respect to the powers of this Commission further provide (1):

Whenever the commission shall be of opinion after a hearing had upon its own motion or upon complaint, that the rates or charges or the acts or regulations of any such person, corporation or municipality are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in anywise in violation of any provision of law, the commission shall determine and prescribe the just and reasonable rates and charges thereafter to be in force for the service to be furnished notwithstanding that a higher rate or charge has heretofore been authorized by statute, and the just and reasonable acts and regulations to be done and observed (sec. 66, par. 5).

(2) That the Commission shall

Have power to require every gas corporation, electrical corporation and municipality to file with the commission and to print and keep open to public inspection schedules showing all rates and charges made, etc. (sec. 66, par. 12).

Upon resolution adopted July 7, 1910, every gas corporation, electrical corporation, and municipality was required to file with the Commission on or before August 20, 1910, information in full, upon blanks provided for the purpose, as to their rates and charges, forms of contract or agreement, and all rules and regulations in the matter.

Examination of the data received affirmed the opinion of the Commission gained from its experience that a chaotic condition

exists, particularly with respect to electrical corporations as to schedules in force and as to rates and methods of charge under such schedules; and that practices are prevalent affording opportunity which may be taken advantage of consciously or unconsciously for unjust or illegal discrimination and undue preference.

That this situation exists is not remarkable. The business of generating and supplying electric energy for commercial use has advanced with great rapidity. In the early stage of the industry no device existed for measuring the quantity of energy marketed, and it was sold on a basis which recognized no difference between consumers. The system of charging then employed is known as the flat-rate system, under which each consumer paid for the service furnished him a given price, the unit of charge being the electric appliance or lamp hour.

Later, electric meters were invented. Upon the installation of measuring devices meter rates were established. This method consists of charging for actual consumption of electric energy only at a uniform rate per unit of electricity, the unit being the kilowatt hour; in other words, the flat-rate system, based however upon the actual amount of the consumption indicated by the meter instead of upon the theoretical consumption computed from the capacity of the appliance in which the energy was consumed and an assumed number of hours of use.

These flat-rate systems have led to discontent upon the part of the large consumer who came to regard the sale of electric energy in the same light as the sale of so much merchandise. In small quantities, merchandise demanded a fixed price from the purchaser; in large quantities, the purchaser was given a discount. This theory being applied to electric current, there came into prevalence what is commonly known as the sliding scale system of rates, under which the charges were graduated from maximum to minimum, a reduced price being gained from increased consumption.

In the earlier years of the electrical industry, when both systems of charging were employed, the companies had not yet come to a clear understanding or analysis of the cost items entering into the service furnished by them, and these rates did not take into account the consumer's hours of use or of his maximum demand or time demand upon the central station equipment.

It became known to the more enterprising of central station operators, upon analysis of experience, that there was a marked variation in effect upon investment and operating costs by different classes of consumers, although such classes were using the same average amount of energy during a given period of consumption and paying practically the same amount therefor. This led to the making of inquiry into the relative effect that maximum demand, hours of demand, time of demand, average demand, and other variables in the electric service rendered had upon the amount of investment required and the costs of operation. It developed that certain items of expense in the operations varied directly with the energy supplied from the central station, namely the so called "variable expenses"; and that certain items of expense in the operations did not vary directly with the energy so supplied, namely the so called "fixed expenses". With the growth of an understanding of this truth there developed a tendency toward the adoption of schedules designed to give a lower rate per kilowatt hour to those customers whose conditions of use contributed most to spread fixed expenses over a large amount of energy supplied and a higher rate to those who helped the least in that direction.

In an effort properly to apportion cost upon different classes of service or properly to apportion fixed expenses over all classes of service, or to make each class of service pay its proportionate share in the cost of operations and yield proportionate profits from operations, various methods of charge with various resultant rates for electric service and electric energy furnished have grown up and been established by electrical corporations operating under the jurisdiction of this Commission.

For present purposes, the rates resulting from these endeavors may be classified broadly into two distinct systems, one called the load factor system and the other the two rate system. The principle of the two rate system is to charge the customer a high rate per kilowatt hour for electricity consumed during the hours of the day when the station is heavily loaded, that is during peak hours, and to charge a low rate for the consumption during the hours of light load. This system of charging however has not been wholly justified by the test of experience. Under the load factor system, each customer is charged a uniform rate per kilo-

watt hour for electricity consumed, and in addition is charged for definite periods of use a certain amount per unit of his maximum demand; in other words, for the maximum load which he throws upon the station during the peak hour period. The variations in this system concerned the method by which the maximum demand is determined and the differing methods of making a service charge. These methods appear to vary with different companies employing the system, and as each separate method involves discrimination between consumers there are numerous concrete instances of such discrimination.

The original systems of charging for electricity hereinabove described, namely the flat-rate and uniform meter rate systems, have the defect that owing to the different hours and length of time of consumption some consumers are supplied unprofitably. The trend in later years away from these systems indicates an endeavor on the part of electrical corporations to make every consumer theoretically, if not actually, profitable. The extent to which this theory has been carried has led to the establishment by some companies of what practically may be deemed to be individual rates based upon the estimated cost of supplying each individual consumer and by automatically apportioning the cost to him by the schedule of prices adopted. This, briefly, is done by starting with two factors: namely, 1, the maximum station demand: in other words, the amount per kilowatt of the demand upon the station required to cover the costs allotted to "fixed expenses"; 2, the number of kilowatt hours sold and the amount per kilowatt hour sold required to cover costs allotted to "variable expenses". The combination of these two factors leads to different average rates for consumers, and even from month to month for the same consumer. While the arrangement of the rates under different standards appears to establish classes of consumers, it is merely incidental to the convenient application of the system to each individual consumer. To separate the actual costs of reaching a consumer is practically impossible, so we find entering into the more recent system of rates arbitrary and sometimes inconsistent factors, as follows:

1. It is estimated that on the average it costs more per kilowatt of demand to reach and supply a small consumer than a large

consumer; upon this basis there is a discrimination consisting of discounts because of quantity used.

2. It is estimated that a difference exists between consumers who are able to guarantee a maximum consumption and those who can not guarantee a definite use. From this arises discrimination between contract and non-contract users; one consumer may become entitled to discounts because of a short use of a large demand; another, because of a long use of a small demand; but the consumer who can guarantee neither of these conditions obtains either no discount or relatively a less discount.

3. It is estimated that certain large consumers are entitled to unusual consideration; this leads to discrimination in favor of the large consumer, to whom special rates or concessions are given.

4. It is estimated that competitive conditions must be recognized. To those who may readily supply themselves with light or power obtained from some other source, an electrical corporation is apt to fit the price which the company must make to get his business to his actual conditions. In this way arises discrimination in favor of each consumer whose use of electricity will warrant the installation of his own source of supply, while a higher rate is maintained for those consumers whose supply the company controls.

These examples, by no means inclusive of all, suffice to show the extent to which differentials between classes of consumers have grown up, and indicate the wide field for differential rates between consumers in the same class. Such differentials mean discrimination. Whether they mean unjust or illegal discrimination, and if so the extent to which such practice may be engaged in, as well as the question of relative equity or fairness of the various methods of charge in use, may only be determined by careful inquiry and detailed expert analysis of the operating conditions and resultant rates.

As above stated, the first steps in this direction have been taken. Pursuant to the resolution of July 7th, information as to existing schedules and rates was obtained and the preliminary study of them made. Also, pursuant to the same resolution, a hearing was had in Albany, September 7, 1910, in the matter of (1) requiring every gas corporation and electrical corporation and

municipality to file with the Commission and to print and keep open to public inspection schedules showing all rates and charges and all forms of contracts and agreements, (2) prescribing the form of every such schedule, and (3) in the further matter of adopting governing rules and regulations. The hearing, which was well attended, resulted in the appointment of a joint committee to make a detailed study and analysis of existing rates, and to report to the Commission. This committee is comprised of three members of the staff of the Commission and seven representatives of the corporations. Upon its report the Commission will be prepared to prescribe rules and regulations for carrying into effect methodically and uniformly with respect to all such corporations the provisions of paragraph 12 of section 66 hereinabove set forth.

Following the hearing on September 7th, the committee organized and at once engaged in the intricate duties with which it is charged. While its labors are not completed and no report has yet been submitted, the Commission is informed that substantial and satisfactory progress has been made.

It is of course obvious that to whatever extent, wilfully or without intention, unjust discrimination may be practiced, rates or drawbacks given, or undue preference exercised in special rates or contracts, slow and unsatisfactory progress will be made in the correction of such conditions if dependence for their adjustment rests upon the individual instances that may be brought to the attention of the Commission by complaining consumers or instances upon which the Commission may stumble. It is equally obvious that a proper exercise of the broad powers of requiring rates to be filed and of prescribing rules and regulations to govern same will provide means of ascertaining in many, if not all, respects, instances of illegality, injustice, and unwarranted inequalities. The Commission has deemed it wise, therefore, that ample time should be taken to construct well and permanently the foundation upon which this important work will rest, that necessity may not arise for retracing subsequent steps by reason of inadequate and improper preparation.

UNIFORM SYSTEMS OF ACCOUNTS

The power to require annual and special reports from public service corporations is the practical means of enforcing the policy of opening to public scrutiny the affairs and management of such corporations. It also enables the Commission to provide itself with some of that information which it is necessary that it should have in order to properly discharge other duties assigned to it. When matters affecting the capitalization of corporations are to be passed upon, or disputes as to the adequacy of service arise, or when questions concerning the reasonableness of rates are brought up, a prerequisite to sound reasoning and just conclusions is accurate and detailed information concerning the matters at issue.

A collection of numerical facts relating to any matter of interest may be called statistics, but will mean little if the facts are not stated in such a way that they may be compared with accepted standards or with similarly classified facts obtained elsewhere under substantially similar conditions. Uniformity of method in the classification and arrangement of all the details which make up any statement intended to present the results obtained by corporate operations is a fundamental necessity. Recognizing this fact, and that control of the classifications and forms of accounts is essential in any effective supervision and regulation, the State very wisely clothed the Commission with authority, in its discretion, to prescribe uniform methods for accounting.

Immediately upon its organization the Commission entered upon the discharge of this duty, with the result that classifications have been prescribed for all classes of corporations under its supervision, except natural gas and the recently added telephone and telegraph corporations, for which latter the work is at this time well under way. Reference to these classifications or uniform systems of accounts has been made in previous reports and it is not necessary here to repeat what has been said of the manner in which the work was carried on and the task accomplished. It may be of interest to say, however, that in reaching that degree of uniformity which now obtains for the public service corporations in this State, and in certain particulars among the railroads throughout the United States, the task has been a prodigious one.

The agitation for relief from the real and fancied ills which grew out of the management or mismanagement of the transporta-

tion agencies of the country led to the formation of railroad commissions in many of the States. These commissions found that there were nearly as many systems of accounts in use as there were operating units, and early realized that a common terminology and a uniformity of practice in the accounting offices were indispensable to a clear understanding of many of the problems demanding attention. While a number of the railroads had adopted for themselves comprehensive schemes of accounts which answered their own purposes, the final allocation of important items of expenditures remained entirely in the hands of the management, and afforded opportunity, to some extent at least, of presenting to their stockholders and to the public reports that did not disclose the exact condition of the property or the results of its operation. A study of the then available reports of the average railroad so prepared afforded no exact knowledge of its affairs.

More than thirty years ago a convention of state railroad commissioners adopted a classification of operating expenses which was recommended for general use. This was but a first step in the direction of uniformity. The Interstate Commerce Commission was formed in 1887, and that commission, in taking up that part of its work which was designed to bring publicity to bear upon the railroad question, found it necessary to adopt some basis for classifying the figures relating to the railroad business in order that the facts presented in the annual reports required to be filed might be readily understood. For twenty years governmental authorities, aided by public spirited accountants, members of the various associations of accounting officers, have worked toward attaining uniformity in accounts, to the end that proper analyses may be brought to bear upon those problems which depend for their solution upon public enlightenment.

The Public Service Commission was fortunate when it entered upon the discharge of its duties with respect to accounting in that it was able to profit largely by what had already been done in the field of accounting under the supervision of governmental authority. The public service statute of this State, however, contemplates a supervision of greater scope than has heretofore been delegated in this country to any similar body, and has within it purposes not generally provided for elsewhere. The Commission therefore had in mind for an ideal accounting system one that

would not only afford publicity and enable a correct analysis for statistical purposes, but would, in addition, conserve the public interest by preventing as far as possible those ills arising out of the inflation of capital which distorts the relation of investment and earnings, and that stock jobbing the success of which is based largely upon the ability to manipulate a corporation's accounts.

Systems of accounts designed to cover the operations of the corporations then under its supervision were adopted in 1908. After two years' trial it is believed that in themselves they meet the purposes for which they were made. That the subject is one of general interest is evidenced by the fact that the systems promulgated by this Commission have been sought by public authorities, managers of corporations, accountants, and students in many parts of the United States, and in some instances by public authorities and others in foreign countries.

A brief outline of some of the general purposes held in view in preparing these schemes of accounts may be stated as follows:

1. The cost of the property of the corporations must be neither overstated nor understated. When property forming a part of the corporation's fixed capital or investment is acquired, it is to be charged to the capital accounts at its actual money cost, and when any of it is abandoned or otherwise retired from service the original cost must be credited to those accounts. The inflation of property accounts to meet bonus stock issues or discounts on securities, or for any other purpose, is not permitted.

2. The accounts should reflect the sources and true amount of all income accruing to the corporations, showing the amount in such detail as will enable a comparison of the relative values of the different operations conducted.

3. The expense of conducting the business should be classified according to the definitions established, and a clear line should be drawn between the operating expenses and capital expenditures.

4. The revenues of each period should carry their own burden of expenses, and no more. This burden includes not only the cost of conducting the operations and keeping the property in repair, but in addition a proper charge for capital (property) consumed during that period, whether it is wholly or partially consumed. Where capital is partially consumed and its replacement is deferred through choice or necessity until a later period, the revenue should,

nevertheless, suffer a reduction equivalent to the value of the capital that is actually consumed during that period.

Of interest, as bearing directly upon the first proposition that the cost of property must be stated at its actual cost in cash, is the provision for discount suffered on securities sold and expenses connected with their issuance and sale. The rule adopted requires that these items shall be provided for out of the income or the surplus of the corporation. If out of the annual income, the deductions must be apportioned equitably over the periods which are contemporaneous with the life of the securities. This treatment is a departure from what is believed to have been the practice of the majority of the corporations in this country. That a thing costs whatever is promised to be paid at some future date, is held by many and particularly by those whose interests lie in that direction. Others, less numerous, perhaps, maintain that it is right not only to measure the cost of corporate property by that standard, but to add to the cost thus stated the par value of certain securities which represent wholly or in part the beneficial interest derived through the hoped for division of expected earnings.

But it is believed that the principle laid down in the accounting order is correct. If the reasonableness of any rate depends in any way upon the relation of revenues produced to the capital invested, the only way to determine that reasonableness is to know the amount of the investment. The inclusion in the capital accounts of such items as the cost of procuring money or of discounts demanded because of the insufficiency of the interest rate that the securities bear, except in so far as those items have to do with bona fide interest on funds actually invested in property under construction and not available for use, does not indicate a sound business policy nor can it be accepted as correct in principle. These costs should not be added to the permanent capital upon which the corporation may expect a return. Such charges as discount, commissions, and other expenses incident to securing the investment of borrowed capital are, however, recognized as necessary in the promotion and enlargement of certain enterprises; but when necessary they should, like interest, be provided for out of income, and like interest charges they should also be reasonable in amount. The accounting scheme contemplates and requires that the total amount

of these expenses and the method by which they are met shall be recorded in such a way that the amount and amortization process may be seen.

In accord with the principle that the revenues of any period should bear a proper charge for the values consumed in producing that revenue, is a "general amortization" account which has been provided in the uniform systems of accounts. The rule there established requires, among other things, that the depreciation in plant and equipment due to wear and tear, inadequacy, and obsolescence shall be included in operating expenses. While the greatest practical economy in operation is or should be held constantly in mind as worthy of encouragement, too frequently a reduction in expenses which is accepted in its full measure as representing economies effected, means, in a large degree, a mere postponement of necessary expenditures for repairs and replacements. When for any reason it is desired to make a good showing for any period, or when a dividend is at stake, there is an incentive to pass over to the future burdens that the present should bear. Under this rule, however, each year is charged with its own expenses. If, for example, a given unit of property such as a machine or car has a probability of life in service of, say, ten years, the cost of that machine or car less its salvage value when discarded should be equitably apportioned to the operating expenses of each of the ten years in which it is in service.

Rates of depreciation must necessarily be based largely upon estimates, and the estimates in turn should be grounded upon past experience and the business policy of the corporation. Whether it is better to drive a machine to its fullest capacity and discard it when it reaches a certain stage of deterioration, or to prolong its life by prompt repairs and good care, is a matter of policy. The character and demand of the service to which a piece of property is devoted affect its life and vary with individual needs, climate, etc., but are factors that must be taken into account in arriving at a rate that is to be approximately correct. Manifestly, the determination of the rates of depreciation can best be done by those who have the shaping of the policy and a knowledge of the experience and purposes of the corporation; and for the present, responsibility for making such rates has been left to the corporations themselves.

Compliance with the depreciation rule of the Commission has, however, so far, not been altogether satisfactory. While almost every one is willing to admit that all things human are perishable, that many of man's productions deteriorate very rapidly, and that inadequacy and obsolescence are constant sources of loss through the rapid advances in our industrial activities, it is surprising to find that many of the managers of those industries contend that there is no depreciation beyond what is covered by repairs, and in fixing upon a rate of depreciation as they are required to do, establish one that is only nominal. That it should be necessary to insist upon the creation of reserves which are for the sole benefit of the corporation and its owners does not appear to be reasonable, but one must take into account that a fixed depreciation rate has a tendency to restrict the power of its managers to make a concern appear more or less prosperous than it is in actual fact. Unless corporations shall more actively interest themselves in this very necessary matter, and more efficaciously carry out the spirit of the accounting rule in this behalf, it may become necessary for the Commission to further exercise its power.

In addition to the object of obtaining a correct statement of the results of operation from a financial standpoint, the accounts provided afford a reasonable detail of operating and other costs, thus giving an opportunity for comparisons of the cost of one period with those of another, or the expenses of operating one plant with like expenses incurred at another.

Subdivisions of the accounts are provided for, and corporations may, if they so desire, and upon filing the required notice, establish for themselves subsidiary accounts for the purposes of furnishing such further details or analyses of their costs as their individual needs may require, provided that the value of the results stated as a whole is not in any way affected. The economical and successful management of a business frequently depends upon the accuracy with which the cost of production can be ascertained, and it is believed that the systems of accounts adopted have resulted in giving to the managers of at least a few of our corporations a knowledge of their costs not possessed before the systems became effective.

The demand for uniform accounting has come in no small part from investors. Their interest is secondary only to the larger pub-

lic interest. They are concerned in having not only correct statements, but statements that are correct according to the commonly accepted meaning of the terms employed to convey the information. In many corporations there is a constant change of stockholders; those who are stockholders at the time of declaring dividends are, in common justice, entitled to what has been earned during the period covered by the decision as to dividends; or, if dividends are not paid, they are entitled to know that the value of their respective interests in the business has been enhanced by converting the net earnings into property. On the other hand, the payment of a dividend which has not been actually earned has the effect of distributing the capital assets, thereby impairing the efficiency or earning power of the property, and incidentally injuring the recipient of the dividend. They who advance money to a corporation upon its promise to pay, the security-holders, also have a right to know that the corporation has the ability not only to earn the interest agreed upon, but that it is able to and does maintain in good condition the property upon which the security rests. If dividends are paid without provision for wear and tear, inadequacy, and obsolescence, the property installed by stockholders' contributions and borrowed money is being returned to them, and when replacements or renewals become necessary the corporation finds itself obliged either to secure new loans or to increase its revenues.

RAILROAD AND EXPRESS RATES

There has not been any considerable increase in railroad freight rates during the past year, or indeed since the organization of the Commission in 1907, and many revisions of tariffs by or at the instance of the Commission have resulted in large reductions. It should be said, however, that numerous tariffs were filed by all of the important roads, to take effect July 1, 1910, which were intended to advance the rates on classes and commodities practically throughout the State, but these have been postponed to February 1, 1911, pending the result of the investigation of proposed rate advances by the Federal Commission. The carriers wisely recognized the necessity of retaining the relations of the New York state rates and the interstate rates applying into or through the State, and so when the interstate rate increases were postponed they applied for and received from this Commission permission to postpone on short notice the state tariffs showing the increased charges. There

have been two postponements of this character. A further postponement beyond February 1st may or may not be requested. If the Federal Commission shall condemn the advances in whole or in part as affecting New York state territory on interstate business, and its orders shall become effective, undoubtedly like action will be taken by the carriers as to affected rates within the State.

This deferred attempt to advance a large mass of freight rates indicates very plainly the belief of the carriers that they must secure net revenue in addition to that which may come from increased traffic, and in stating that belief they point to large increases in their cost of operation and the constant necessity for making large yard, station, and other improvements which constitute additional facilities for the future but which do not add in any corresponding degree to their income from operation.

We can not undertake to express an opinion upon the justice of particular rate advances or upon advances in mass or by class prior to the investigations which are required by the statute and which obviously can not be had until the rates have actually been established and are about to become effective. We do call attention to the strong tendency toward higher rate levels which is now being manifested by the carriers, and to the necessity for shippers and shipping organizations to give such full study to these proposed advances affecting business in their localities as will enable them to properly present their cases before this Commission if they shall deem any advances made effective to be unreasonable or unjust.

As a result of old rate conditions, and because of changes in commodity rates between particular points, there appears from examination of the tariffs filed with the Commission to be numerous instances where greater charges are shown for shorter than for longer distances over the same line in the same direction; and where traffic passes over two or more lines it often appears that a joint rate is in effect which is greater than the sum of the locals in force on the several lines. Sometimes this results from action by one of the carriers in reducing a commodity rate on its own line while no change in the through rate on that commodity is made over the joint line. The conditions must be exceptional which justify a carrier or carriers in departing from the principle of the long- and short-haul clause, and a through or joint rate

which is higher than the sum of rates fixed by the individual carriers applying together over the same distance is, as a rule, excessive and unjust. The Commission proposes to institute a general investigation into these disproportionate rates at an early day with a view to directing such changes as may appear to be required.

The Commission is now engaged in hearing what are known as the "Commutation rate cases," arising from the increase in commutation rates on the New York, New Haven and Hartford and the New York Central systems. A considerable amount of testimony has already been taken, and it is expected that the cases will be submitted within a short time.

A general change in upper-berth sleeping car rates has just been made effective whereby the charge for upper-berths is reduced to 80 per cent of the lower-berth rate, except that with the lower-berth at $1.50 the upper is rated $1.25, and a minimum upper-berth rate of $1.25 is charged.

Several cases have been heard and decided during the year involving passenger rates on electric lines. In some of these cases the complaint was found to be without merit, while in others reductions were ordered. Several cases relating to passenger fares on electric roads are now pending. Some of these relate to commutation rates.

The Commission has given such study to the express rate situation in this State as is practicable in view of its duties and engagements in respect of other matters. While some express rates have been changed during the year by direction of the Commission or as a result of informal correspondence, comparatively few serious complaints have been received. This lack of specific complaint can be ascribed to two causes only: either shippers are satisfied with the present rates, or the amounts involved in particular or occasional shipments are so small that the shipper is not inclined to undertake the trouble of questioning the reasonableness or justice of the charge by the filing of a complaint with the Commission. The Commission is satisfied that to some extent the latter condition actually exists. It could undertake, of course, a general investigation of express rates within the State of New York for the purpose of developing the facts, and it could thereupon institute a proceeding upon its own motion with a view to correct-

ing rates which may appear to be prima facie excessive; but the direct and the time saving way would be for shippers dissatisfied with express rates to present complaints to the Commission which could well be made the basis for direct and specific investigation.

One pending complaint against express companies involves the service as well as the rate. The express companies have a rule that between a point where two companies are operating and a point where one of the companies has an exclusive office, the shipment will not be made over the lines of both companies although a much shorter distance would be involved by such service, but will be carried by the company which can by its own route, and often over a much greater distance, reach the exclusive destination office, unless the shipment offered for carriage by the joint route shall be prepaid. The case mentioned shows carriage by the one company a distance of eight hundred and some odd miles, while carriage by the two companies over the direct line would reduce the distance to less than one hundred and fifty miles. The shipment by the longer route consumed about five days, while by the shorter route one day would cover the necessary transportation. The rate by the direct joint route is slightly in excess of the rate by the long route. The complaint is against the service and the rate and the rule requiring prepayment.

OPERATIONS OF STEAM RAILROADS

The following table shows for the fiscal years ended June 30, 1907, 1908, 1909, and 1910, certain aggregate results of the operations of the steam railroad corporations reporting to this Commission, with the exception of those named in the note. Those results are (1) total gross earnings from operation, (2) total expense of operation, (3) total net earnings from operation, (4) tons of freight carried, (5) ton-miles of freight carried, (6) passengers carried, (7) total passenger-miles, (8) total dividends paid during year.

TABLE showing certain results of operations of steam railroads for fiscal years ended June 30, 1907, 1908, 1909, 1910:

Item.	1907	1908	1909	1910
Gross earnings from operation	$396,557,982	$402,317,818	$402,265,445	$448,757,842
Per cent of increase over preceding year	8.16%	1.45%	D *0.01%*	11.56%
Expenses of operation	$278,191,841	$282,410,002	$266,852,915	$294,287,277
Per cent of increase over preceding year	10.06%	1.51%	D *5.51%*	10.28%
Net earnings from operation	$118,366,141	$119,907,816	$135,412,530	$154,470,564
Per cent of increase over preceding year	3.88%	1.30%	12.93%	14.08%
Tons of freight carried	265,609,000	248,750,953	247,652,000	289,978,913
Per cent of increase over preceding year	6.69%	D *6.34%*	D *0.44%*	17.09%
Ton-miles of freight carried	37,343,086,000	37,564,347,398	37,530,589,000	42,186,247,044
Per cent of increase over preceding year	9.26%	0.59%	D *0.09%*	12.41%
Passengers carried	253,693,000	278,880,817	274,741,000	298,637,856
Per cent of increase over preceding year	2.68%	9.93%	D *1.48%*	8.70%
Total passenger-miles	6,010,356,000	6,511,203,679	6,460,505,000	7,056,464,884
Per cent of increase over preceding year	7.39%	8.33%	D *0.80%*	9.22%
Total dividends paid during the year	$52,107,722	$42,159,002	$39,215,300	$65,101,376

NOTE: The figures above given are compiled from the reports of operating steam railroad corporations for the years mentioned, excluding for the sake of comparison with previous years the 1910 figures of The Pennsylvania Railroad Company, and The Northern Central Railroad Company, which were not included in the earlier compilations. In making up the totals, the figures for the previous year were taken in the case of three smaller railroad corporations whose 1910 reports were not filed at the time the figures were compiled. Any possible changes in the figures for these companies could not however materially affect the percentages of increase or decrease in the totals.

The foregoing summary covers all of the operations of steam railroads reporting to this Commission, with the exceptions named, both within and without the State of New York, and of course affords no indication of the amount of business done within the State. The great point of interest in this table is the very considerable increase in business for the year ended June 30, 1910, over any previous year given in the table. It should be understood that no previous year in the history of the roads shows as large totals as those given in the table.

OPERATIONS OF ELECTRIC RAILROADS

The following table for electric railroads gives the same information for them as the preceding table for steam railroads.

TABLE showing certain results of operations of electric roads for fiscal years ended June 30, 1907, 1908, 1909, 1910:

Item.	1907	1908	1909	1910
Gross earnings from operation	$19,293,052	$21,194,486	$21,919,652	$24,989,995
Per cent of increase over preceding year	15.9%	9.9%	3.4%	14.0%
Expenses of operation	$12,471,755	$14,129,150	$14,647,399	$16,048,838
Per cent of increase over preceding year	17.7%	13.3%	3.7%	9.6%
Net earnings from operation.	$6,821,197	$7,065,336	$7,272,253	$8,941,157
Per cent of increase over preceding year	12.8%	3.6%	2.9%	22.9%
Passengers carried	A 427,520,000	451,388,415	462,455,932	499,357,343
Per cent of increase over preceding year	11.4%	7.2%	B 3.0%	8.0%
Total dividends paid during the year	$1,659,157	$2,065,242	$2,962,007	$2,172,845

A: Includes 6,356,000 other than passengers paying single fare and continuing travel on transfers, which is the basis for 1908 and 1909 figures; and this number is deducted before calculating percentage of increase in 1908.

B: The total for 1908 is decreased by 2,542,000 before deriving this percentage in order to compare like returns in both years.

In compiling the totals for 1910, the corresponding figures for the previous year were taken in the case of seven smaller corporations whose reports were not filed at the time the figures were compiled. Any possible changes in the figures for these corporations could not however materially affect the percentages of increase or decrease.

This table requires no comment except to call attention to the increase of business each year over the preceding year.

INCOME ACCOUNTS OF STEAM RAILROAD CORPORATIONS

The financial results of the operations of each of the steam railroad corporations reporting to this Commission are of such decided interest as to require the publication of their respective income accounts at the earliest practicable moment. These corporations are required by law to file their annual reports for the year ended June 30th on or before September 30th. The Commission is authorized to extend the time for filing such report for a period not exceeding sixty days, or practically to December 1st.

After the filing of these reports a very considerable period of time is required for checking by the division of statistics and accounts. The result is that many months are required for the preparation of the abstracts of these reports of which the law requires the publication. The precise accuracy of the figures reported by the various corporations can not be vouched for until the reports have been thoroughly checked. The income accounts presented in the appendix will be printed in the bound volume of

abstracts of reports of corporations, and it is possible that as so printed they may vary in places from the amounts as now presented. If such variation should occur, it will be due to the discovery of errors in the reports and the proper correction thereof. Detailed analyses of the aggregates shown in these income accounts will also be published in tabular form in the abstracts of reports of the several corporations.

REPORTS OF THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY AS TO DELAYED TRAINS

In its Annual Report for the year 1909 this Commission called attention to the incorrect reporting of delayed trains by one of the railroads subject to its supervision. In consequence of the situation disclosed by that report the Commission during the year has instituted extensive checking of reports of all railroads upon the subject of delayed trains, with a purpose of ascertaining the correctness of the reports made to it. These reports have been found to be correct with the exception of occasional clerical errors such as are liable to creep into work of this kind, with one exception, and that is of The Delaware, Lackawanna and Western Railroad Company.

On the 15th day of January, 1910, the supervisor of equipment made report to this Commission, giving a record of the checking of Lackawanna trains, and in this report is found the following:

> It will be noted that serious discrepancies occur on each division between the train movement report filed by the company and the checking of train dispatcher's records made by Mr. Rockwell. On the Buffalo division, eastbound trains: train movement report shows 92.3 per cent of trains on time with a delay of 626 minutes; the check of the train dispatcher's record shows 61 per cent of trains on time with a delay of 176 minutes. Westbound trains: train movement report shows 97.9 per cent of trains on time with a delay of 190 minutes; the check of the train dispatcher's record shows 86.3 per cent with a delay of 858 minutes.

Upon this report an order was made by the Commission requiring the Railroad company in question to show cause before the Commission, on the 7th day of February, why the reports of the train delay movements for the month of September, 1909, to which the foregoing statements relate, were not made in accordance with directions of the Commission, and why said company should not be required to make and file new reports of its train delays.

At the hearing on February 7th, the attorney for the Railroad company conceded that the report of the inspector above quoted was correct. Deviations by the report submitted from the actual records of the company were disclosed upon the Buffalo division, and at the Syracuse and Utica terminals. The company offered excuses for these deviations at Syracuse and Utica, which it is unnecessary to review at this time, the situation being fairly disclosed by the condition of the Buffalo division reports. The Buffalo division extends from Buffalo to Binghamton, and the train delay reports of westbound trains note their arrival at the station at Buffalo, and eastbound trains their arrival at Binghamton. The explanation offered for the incorrect reports upon this division was as follows:

> On the Buffalo end, entirely unbeknown to the general superintendent, last September the division superintendent reported trains on time that were not over twenty minutes late when they arrived at the Nickel Plate Junction where they switched sleeping cars and parlor cars on to the Nickel Plate, and arrived not more than twenty minutes late into the Main Street station. Now we have ordered our superintendents to cut all of that stuff out.

The question was asked why such an order was made, what the reason for it was; to which the answer was made: "It is the rivalry between the different divisions as to those different train reports coming in; they think they are inspected in headquarters, and they hate to have such a big percentage of train delays; and the superintendent says 'If my trains get in here on my division they get into the city of Buffalo on time.'"

The attention of the representative of the company was then called to the fact that the discrepancy on eastbound trains on reaching Binghamton was much greater than the discrepancy of westbound trains into Buffalo, as shown by the foregoing report of the inspector, there being 92 per cent reported on time while the train dispatcher's record showed that 61 per cent had been on time in reaching Binghamton. It appeared that this point had attracted the attention of the railroad authorities, and in a letter dated January 24th the superintendent had communicated with the division superintendent as follows: "You have not given me any information as to the eastbound trains referred to in letter from Secretary Kennedy. Let me have the facts promptly."

No satisfactory answer had been returned to this, and therefore the hearing was adjourned to a later date for the purpose of getting definite information as to why trains into Binghamton were reported on time although twenty minutes late. At the adjourned hearing the explanation was that the twenty minute rule was put into effect at both Buffalo and Binghamton at the same time. So far as Binghamton was concerned, the only reason suggested was that by the summer schedule the company ran a train from Buffalo to New York, and also a train from Oswego to New York, and on account of the station facilities at Binghamton when these trains reached Binghamton they ran in two sections, and the train from Buffalo to Binghamton was instructed to lose ten minutes in order to let the train from Oswego use the station facilities at Binghamton and get away as the first section of that train. It appeared, however, that the twenty minute rule was applied to all trains as well as this particular train, and therefore the explanation did not seem to explain.

The company did not attempt to defend the variation reported from the rules established by the Commission, immediately issued orders requiring reports to be made in conformity to the regulations of the Commission upon its attention being called to the situation, and pursuant to the directions of the Commission filed corrected reports for the period over which incorrect reports had been made. No substantial inaccuracies have been found in subsequent reports.

NON-DIVIDEND PAYING STOCKS

To the report of this Commission for the year 1909 there was submitted as an appendix a series of eight tables, showing for (1) electric railroad corporations; (2) electrical corporations having gross revenues of $25,000 and upward per annum; (3) electrical corporations having gross revenues under $25,000 per annum; (4) gas corporations having gross revenues of $25,000 and upward per annum; (5) gas corporations having gross revenues under $25,000 per annum; (6) combined electrical and gas corporations having gross revenues of $25,000 and upward per annum; (7) combined electrical and gas corporations having gross revenues under $25,000 per annum; (8) combined

electric railroad and electrical or gas corporations; the following for each corporation:

(*a*) Amount of common stock outstanding;
(*b*) Amount of preferred stock outstanding;
(*c*) Total capital stock outstanding;
(*d*) Amount of dividends paid on common stock;
(*e*) Rate per cent of dividends on common stock;
(*f*) Amount of dividends paid on preferred stock;
(*g*) Rate per cent of dividends on preferred stock.

Reference is made to the report for that year for such comment as the Commission then thought advisable to make upon the showing presented by these tables.

Appended hereto is a series of tables marked Appendix A, which present the same facts for the year 1910, with reference to the classes of corporations embraced in the tables for 1909. These tables are believed to be of very considerable value when carefully studied and properly appreciated.

The following is a summary in classification of the tables embraced in this appendix:

TABLE showing the proportion of stocks issued by all classes of corporations except steam railroad corporations, and the number of corporations in each class, that pay dividends:

Class of corporations.	Total number corporations.	Number paying no dividends on common stock.	Amount of common stock paying no dividends.	Number paying no dividends on preferred stock.	Amount of preferred stock paying no dividends.	Total number paying no dividends.	Number paying dividends on common stock.	Amount of common stock paying dividends.	Number paying dividends on preferred stock.	Amount of preferred stock paying dividends.	Total number paying dividends.
Electric railroads	66	54	$37,915,985	9	$8,125,000	52	12	$61,374,449	5	$8,432,372	14
Electrical corporations gross revenues $25,000 and over	39	29	24,208,400	1	2,000,000	27	10	8,725,500	4	415,000	12
Electrical corporations gross revenues $25,000 to $10,000	47	29	2,073,530	....	.....	29	18	725,300	....	.....	18
Electrical corporations gross revenues under $10,000	77	65	1,607,950	....	.....	65	12	246,800	....	.....	12
Gas corporations gross revenues $25,000 and over	14	11	9,049,500	2	1,867,000	9	3	725,000	2	300,500	5
Gas corporations gross revenues under $25,000	19	17	848,200	....	.....	17	2	65,625	....	.....	2
Combined electrical and gas corporations gross revenues $25,000 and over	30	18	21,083,400	4	2,880,400	17	12	10,685,000	3	4,097,800	13
Combined electrical and gas corporations gross revenues under $25,000	12	8	600,800	....	.....	8	4	211,000	....	.....	4
Combined electric railroads and electrical or gas corporations	7	5	3,150,000	1	2,029,000	5	1	500,000	2	830,000	2
Totals	311	236	$100,537,765	17	$16,901,400	229	74	$83,258,674	16	$14,075,672	82

The corporations named in these tables are practically all the corporations of the classes named operating within the Second Public Service District during the periods covered, and the figures are compiled from their annual reports. For electric railroads the figures relate to the fiscal year ended June 30, 1910, and for electrical corporations and gas corporations to the fiscal year ended December 31, 1909. The following is a presentation of the various totals set forth in the tables for 1909 and 1910:

	1909	1910
Total number of corporations, all classes.....	310	311
Total number paying no dividends.....	237	229
Total number paying dividends	73	82
Total number paying no dividends on common stock	243	236
Total number paying no dividends on preferred stock	16	17
Total number paying dividends on common stock.	67	74
Total number paying dividends on preferred stock.	15	16
Amount of common stock paying no dividends...	$126,956,530	$100,537,765
Amount of common stock paying dividends.....	53,859,074	83,258,674
Amount of preferred stock paying no dividends...	15,317,400	16,901,400
Amount of preferred stock paying dividends.....	18,461,072	14,075,672

PROBLEMS IN CAPITALIZATION

The practice of the Commission in publishing opinions upon all important questions coming before it in the capitalization of corporations renders unnecessary a discussion of the difficult problems in the annual report. The views and practice of the Commission are fully explained in these opinions, to which reference is made.

It is proper, however, to briefly allude to some of the more important questions which have engaged the attention of the Commission.

1. *Capitalization of Replacements:* The practice of capitalizing replacements has been severely condemned by the Commission in several written opinions. The effort to procure such capitalization continues somewhat, however, and it is made a point of jealous care by the Commission that no such capitalization shall be authorized by it.

2. *Excessive Proportion of Bond Issues to Stock Issues:* Owing to various conditions which can not be adequately discussed within a brief compass, there is a very strong tendency upon the part of corporations to make the proportion of bond

issues to stock issues excessive. As is well known to all who have investigated the subject, such tendency is exceedingly dangerous and should be repressed wherever and whenever possible. It is not possible for the Commission in all cases to obtain what it conceives to be the proper results in this class of cases.

3. *Capitalization of Non-revenue Producing Expenditures:* There is a strong tendency on the part of many corporations to capitalize every possible expenditure. Experience confirms the theory that such a tendency should be checked and repressed wherever possible. The whole subject deserves careful treatment at the hands of the Commission, which it hopes to be able to give in due course.

4. *Schemes to Capitalize Intangibles:* Some corporations have submitted to the Commission specious theories of capitalization of intangibles. Many intangibles are properly capitalizable. It is difficult to determine in many cases just where the line should be drawn between the intangibles which are capitalizable and those which are not. Great difficulty has been experienced in several cases in drawing the line of demarcation.

5. *Fixing Values on Reorganization:* Some extraordinarily difficult questions have arisen as to the value of property upon the reorganization of bankrupt corporations. These questions have received very full and careful consideration.

6. *Reimbursement of the Treasury:* The Legislature of 1910 amended the Public Service Commissions Law in such a manner as to admit of reimbursement of the treasury of a corporation for expenditures made for capital purposes paid for from income. These amendments are proper and were recommended by the Commission. A greater degree of flexibility in financial operations has thereby been established, and so far no evil results have been noted in the practical working of these amendments. So far as has been observed, the one thing which requires constant attention is the disposition in obtaining such reimbursements to endeavor to capitalize matters which under good practice should be paid for out of income.

CORRECTION OF INDIVIDUAL AND LOCAL GRIEVANCES

No part of the work of the Commission has given greater personal satisfaction to its members than the correction of personal and local grievances for which there was no adequate remedy until the enactment of the Public Service Commissions Law. That law provided a forum in which individual grievances could be stated and relief afforded in proper cases, without expense to the complainant and with but little trouble, by the way of correspondence. The number of cases of this character which are handled by the Commission is very large. The relief which is given to individuals and communities in these cases is not susceptible of tabulation or statistical statement. It can only be referred to in the most general terms. There are, however, but few localities in the State which have not, at one time or another, experienced the benefits growing out of applications to the Commission for the remedying of matters which were felt to be wrong and unjust. The providing of better local accommodations, the prompt furnishing of cars for the handling of freight, protection of dangerous crossings, the stopping of trains at stations not fully served, and numerous other matters of the same character engage a very great portion of the time of the Commission and its employees. Each case disposed of is of great importance to the individual affected, and of but minor importance to all of the rest of the citizens of the State except as giving assurance that the rights of the individual will be fully protected wherever possible.

All of which is respectfully submitted.

Dated January 9, 1911.

FRANK W. STEVENS,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

APPENDIX A

Dividend and Non-dividend Paying Stocks, Operating Electric Railroad Corporations, Electrical Corporations, and Gas Corporations.

TABLE 1: ELECTRIC RAILROAD CORPORATIONS: Showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Street Railroad Corporations, with Amount of Dividends Paid and Rate Declared, for the fiscal year ended June 30, 1910. Dividend paying corporations are printed in black face type.

Name of corporation.	Stocks outstanding June 30, 1910.			Dividends.			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars	Dollars	Dollars	Dollars	Per cent	Dollars	Per cent
Adirondack Lakes' Traction Co	60,000	.....	60,000	.....	.....	.....	.....
Auburn and Northern Electric R. R. Co	200,000	200,000	400,000	.....	.....	3,000	1.5
Auburn and Syracuse Electric R. R. Co	1,250,000	700,000	1,950,000	.....	.....	42,000	6
Babylon Railroad Co	25,000	.....	25,000	.....	.....	.....	.....
Binghamton Railway Co	978,549	.....	978,549	[1] 24,402	[1] 2.5	.....	.....
Black River Traction Co	105,000	.....	105,000	.....	.....	.....	.....
Buffalo and Depew Railway Co	305,000	.....	305,000	.....	.....	.....	.....
Buffalo and Lake Erie Traction Co	5,000,000	2,500,000	7,500,000	.....	.....	.....	.....
Buffalo and Williamsville Electric Ry. Co	75,000	.....	75,000	.....	.....	.....	.....
Buffalo, Lockport and Rochester Ry. Co	4,000,000	.....	4,000,000	.....	.....	.....	.....
Buffalo Southern Ry. Co	547,200	.....	547,200	.....	.....	.....	.....
Catskill Traction Co	60,000	.....	60,000	.....	.....	.....	.....
Chautauqua Traction Co	500,000	.....	500,000	.....	.....	.....	.....
Cohoes Railway Co	120,000	.....	120,000	4,800	4	.....	.....
Corning and Painted Post Street Ry	100,000	.....	100,000	.....	.....	.....	.....
Crosstown Street Ry. Co. of Buffalo	2,860,000	.....	2,860,000	.....	.....	.....	.....
Eastern New York Railroad Co	300,000	.....	300,000	.....	.....	.....	.....
Electric City Railway Co	80,000	.....	80,000	.....	.....	.....	.....
Elmira and Seneca Lake Traction Co	200,000	.....	200,000	.....	.....	.....	.....
Elmira, Corning and Waverly Ry	336,900	.....	336,900	.....	.....	.....	.....
Fishkill Electric Ry. Co	50,000	.....	50,000	.....	.....	.....	.....
Geneva and Auburn Ry. Co	350,000	100,000	450,000	.....	.....	.....	.....
Glen Cove Railroad Co	10,000	.....	10,000	.....	.....	.....	.....
Great South Bay Ferry Co	50,000	.....	50,000	.....	.....	.....	.....
Hornell Traction Co	120,000	.....	120,000	.....	.....	.....	.....
Hudson River and Eastern Traction Co	84,000	.....	84,000	.....	.....	.....	.....
Hudson Valley Railway Co	2,970,700	.....	2,970,700	.....	.....	.....	.....
Huntington Railroad Co	30,000	.....	30,000	.....	.....	.....	.....
International Railway Co	16,320,500	.....	16,320,500	326,410	2	.....	.....
Ithaca Street Railway Co	325,000	.....	325,000	.....	.....	.....	.....
Jamestown Street Railway Co	250,000	.....	250,000	.....	.....	.....	.....
Kingston Consolidated R.R. Co	200,000	200,000	400,000	.....	.....	.....	.....
Nassau County Railway Co	35,000	.....	35,000	.....	.....	.....	.....
Newark and Marion Railway Co	100,000	.....	100,000	.....	.....	.....	.....
New Paltz, Highland and Poughkeepsie Traction Co	100,000	.....	100,000	.....	.....	.....	.....
New York and North Shore Traction Co	150,000	.....	150,000	.....	.....	.....	.....
New York and Stamford Ry. Co	500,000	.....	500,000	.....	.....	.....	.....

TABLE 1: ELECTRIC RAILROAD CORPORATIONS: Showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Street Railroad Corporations, with Amount of Dividends Paid and Rate Declared, for the fiscal year ended June 30, 1910. Dividend paying corporations are printed in black face type (*concluded*).

Name of corporation.	Stocks outstanding June 30, 1910.			Dividends.			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars	Dollars	Dollars	Dollars	Per cent	Dollars	Per cent
New York State Railways [2]	19,952,400	3,862,500	23,814,900	299,145	1.5	362,095	5
Northport Traction Co.	45,000	.....	45,000	.....	.....	.....	.....
Ogdensburg Street Ry. Co	150,000	.....	150,000	.....	.....	.....	.....
Oneida Railway Co	1,923,000	.....	1,923,000	19,230	1	.....	.....
Orange County Traction Co	150,000	175,000	325,000	.....	.....	.....	.....
Penn Yan, Keuka Park and Branchport Ry. Co.	94,000	.....	94,000	.....	.....	.....	.....
Plattsburgh Traction Co	100,000	.....	100,000	4,000	4	.....	.....
Port Jervis Traction Co	19,985	.....	19,985	.....	.....	.....	.....
Poughkeepsie City and Wappingers Falls Electric Ry. Co.	750,000	.....	750,000	.....	.....	.....	.....
Putnam and Westchester Traction Co.	75,000	.....	75,000	.....	.....	.....	.....
Rochester and Manitou R.R. Co	60,000	.....	60,000	.....	.....	.....	.....
Rochester and Suburban Ry. Co	70,000	350,000	420,000	.....	.....	.....	.....
Rochester, Syracuse and Eastern R.R. Co.	6,000,000	2,500,000	8,500,000	.....	.....	.....	.....
Schenectady Railway Co	4,100,000	.....	4,100,000	246,000	6	.....	.....
Syracuse and South Bay Electric R.R. Co.	700,000	300,000	1,000,000	.....	.....	.....	.....
Syracuse and Suburban R.R. Co	400,000	.....	400,000	.....	.....	.....	.....
Syracuse, Lake Shore and Northern R.R. Co.	1,975,000	1,000,000	2,975,000	.....	.....	.....	.....
Syracuse Rapid Transit Ry. Co	2,748,200	1,169,872	3,918,072	.....	.....	70,188	6
Tarrytown, White Plains and Mamaroneck Ry. Co	300,000	.....	300,000	.....	.....	.....	.....
Troy and New England Ry. Co	180,000	.....	180,000	7,200	4	.....	.....
United Traction Co	12,500,000	.....	12,500,000	500,000	4	.....	.....
Utica and Mohawk Valley Ry. Co.	5,000,000	2,500,000	7,500,000	50,000	1	125,000	5
Wallkill Transit Co	350,000	.....	350,000	.....	.....	.....	.....
Warren and Jamestown Street Ry. Co	200,000	.....	200,000	16,000	8	.....	.....
Waverly, Sayre and Athens Traction Co.	200,000	.....	200,000	.....	.....	.....	.....
Westchester Electric R.R. Co	500,000	.....	500,000	.....	.....	.....	.....
Western New York and Pennsylvania Traction Co.	1,000,000	1,000,000	2,000,000	.....	.....	.....	.....
Yonkers Railroad Co	1,000,000	.....	1,000,000	.....	.....	.....	.....
Total dividend paying stocks	61,374,449	8,432,372	69,806,821	.....	.....	.....	.....
Total non-dividend paying stocks	37,915,985	8,125,000	46,040,985	.....	.....	.....	.....
Totals	99,290,434	16,557,372	115,847,806	1,587,187	.....	602,283	.....

[1] So reported. [2] $5,174,700 par value common stock was issued during the year, and $4,500,000 par value second preferred stock was retired; therefore rate of dividend is not the rate on the par value outstanding June 30, 1909. Niagara Gorge R. R. Co. 1910 report not filed; for year ended June 30, 1909, on $1,000,000 common stock outstanding, 2 per cent or $20,000 dividends were paid.

TABLE 2: ELECTRICAL CORPORATIONS: Showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Electrical Corporations whose gross revenues are $25,000 or more, with Amount of Dividends Paid and Rate Declared, for fiscal year ended December 31, 1909. Dividend paying corporations are printed in black face type.

Name of corporation.	Stocks outstanding December 31, 1909.			Dividends.			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars	Dollars	Dollars	Dollars	Per cent	Dollars	Per cent
Auburn Light, Heat and Power Co	300,000	.....	300,000	.....	.....	.....	.....
Ballston Spa Light and Power Co	35,000	.....	35,000	.....	.....	.....	.....
Binghamton Light, Heat and Power Co	500,000	150,000	650,000	15,000	3	9,000	6
Buffalo General Electric Co	3,724,000	.....	3,724,000	167,580	4.5	.....	.....
Buffalo and Niagara Falls Electric Light and Power Co	600,000	.....	600,000	36,000	6	.....	.....
Carthage Electric Light and Power Co	75,000	.....	75,000	7,500	10	.....	.....
Cataract Power and Conduit Co	2,000,000	.....	2,000,000	120,000	6	.....	.....
Consolidated Electric Co	75,000	.....	75,000	8,250	11	.....	.....
East Creek Electric Light and Power Co	200,000	.....	200,000	.....	.....	.....	.....
Economic Power and Construction Co	50,000	.....	50,000	.....	.....	.....	.....
Edison Electric Light and Power Co. of Amsterdam	23,000	.....	23,000	.....	.....	.....	.....
Empire State Power Co	1,000,000	.....	1,000,000	.....	.....	.....	.....
Fulton Light, Heat and Power Co	150,000	65,000	215,000	.....	.....	3,773	6
Geneva-Seneca Electric Co	100,000	.....	100,000	.....	.....	.....	.....
Hornell Electric Co	82,500	.....	82,500	5,775	7	.....	.....
Hudson River Electric Co	3,000,000	.....	3,000,000	.....	.....	.....	.....
Hudson River Electric Power Co	5,794,700	.....	5,794,700	.....	.....	.....	.....
Hudson River Power Transmission Co	750,000	.....	750,000	.....	.....	.....	.....
Hudson River Water Power Co	5,000,000	.....	5,000,000	.....	.....	.....	.....
Huntington Light and Power Co	52,200	.....	52,200	.....	.....	.....	.....
Ithaca Electric Light and Power Co	200,000	100,000	300,000	12,000	6	7,000	7
Jamestown Lighting and Power Co	100,000	.....	100,000	.....	.....	.....	.....
Nassau Light and Power Co	969,000	.....	969,000	48,450	5	.....	.....
New Light, Heat and Power Co	40,000	.....	40,000	.....	.....	.....	.....
Niagara Falls Hydraulic Power and Manufacturing Co	500,000	.....	500,000	30,000	6	.....	.....
Niagara Falls Power Co	4,197,500	.....	4,197,500	.....	.....	.....	.....
Niagara, Lockport and Ontario Power Co	1,351,000	2,000,000	3,351,000	.....	.....	.....	.....
Ogdensburg Power and Light Co	50,000	.....	50,000	.....	.....	.....	.....
Ontario Light and Traction Co	100,000	.....	100,000	.....	.....	.....	.....
Oswegatchie Light and Power Co	60,000	.....	60,000	.....	.....	.....	.....
Rockland Electric Co	230,000	.....	230,000	.....	.....	.....	.....
Sayre Electric Co	150,000	100,000	250,000	.....	.....	5,950	6

TABLE 2: ELECTRICAL CORPORATIONS: Showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Electrical Corporations whose gross revenues are $25,000 or more, with Amount of Dividends Paid and Rate Declared, for fiscal year ended December 31, 1909. Dividend paying corporations are printed in black face type (*concluded*).

Name of corporation.	Stocks outstanding December 31, 1909.			Dividends			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate e clared.
	Dollars	Dollars	Dollars	Dollars	Per cent	Dollars	Per cent
Schenectady Illuminating Co	80,000	.....	80,000	.....	.....	.....	.....
Schenectady Power Co	500,000	.....	500,000	.....	.....	.....	.....
Susquehanna River Power Co	200,000	.....	200,000	.....	.....	.....	.....
Tonawanda Power Co	250,000	.....	250,000	.....	.....	.....	.....
Upper Hudson Electric Co	145,000	.....	145,000	.....	.....	.....	.....
Wayne County Electric Co	100,000	.....	100,000	.....	.....	.....	.....
Yonkers Electric Light and Power Co	200,000	.....	200,00	.....	.....	.....	.....
Total dividend paying stocks	8,725,500	415,000	9,140,500	.....	.....	.....	.....
Total non-dividend paying stocks	24,208,400	2,000,000	26,208,400	.....	.....	.....	.....
Totals	32,933,900	2,415,000	35,348,900	450,555	.....	25,723	.....

TABLE 3: ELECTRICAL CORPORATIONS: Showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Electrical Corporations whose gross revenues are between $25,000 and $10,000, with Amount of Dividends Paid and Rate Declared, for fiscal year ended December 31, 1909. Dividend paying corporations are printed in black face type.

Name of corporation.	Stocks outstanding Dec. 31, 1909.	Dividends.	
		Amount paid.	Rate declared.
	Dollars	Dollars	Per cent
Amityville Electric Light Co	20,000	1,200	6
Babylon Electric Light Co	45,000	4,950	11
Cairo Electric Light and Power Co	80,000	.....	.....
Canton Electric Light and Power Co	38,000	1,900	5
Chasm Power Co	33,600	.....	.....
Chatham Electric Light, Heat and Power Co	27,500	.....	.....
Citizens Lighting Co. of Oswego, N. Y	53,200	.....	.....
Cold Spring Light, Heat and Power Co	15,000	.....	.....
Consolidated Light and Power Co. of Whitehall, N. Y.	75,000	.....	.....
Deposit Electric Co	74,000	.....	.....
Despatch Heat, Light and Power Co	400,000	.....	.....
Eastern Monroe Electric Light and Gas Co	250 000	.....	.....
East Hampton Electric Light Co	47,800	.....	.....
Ellenville Electric Co	30,000	.....	.....
Empire Electric Co	12,500	2,250	18
Genesee County Electric Light, Power and Gas Co	100,000	.....	.....
Goshen Light and Power Co	15,000	.....	.....
Hudson Counties Gas and Electric Co	100,000	.....	.....
International Power and Transmission Co	150,000	.....	.....
Kanes Falls Electric Co	25,000	.....	.....
Keeseville Electric Co	30,000	1,350	4.5
Keyes Electric Co	4,000	.....	.....
LeRoy Hydraulic Electric Gas Co	100,000	[1]37	5
Liberty Light and Power Co	25,000	.....	.....
Massena Electric Light and Power Co	50,000	.....	.....
Montgomery Electric Light and Power Co	21,000	.....	.....
Montour Falls Electric Light Co	10,000	.....	.....
Mount Morris Illuminating Co	9,000	540	6
Murray Electric Light and Power Co	20,000	.....	.....
Northport Electric Light Co	30,000	1,800	6
Olean Electric Light and Power Co	35,000	2,100	6
Orange and Rockland Electric Co	78,300	3,253	5
Oswego River Power Transmission Co	20,000	.....	.....
Owego Light and Power Co	60,000	1,800	3
Patchogue Electric Light Co	70,000	[2]3,200	8
Perry Electric Light Co	9,000	.....	.....
Port Jefferson Electric Light Co	7,500	450	6
Richfield Springs Electric Light and Power Co	20,000	800	4
Sayville Electric Co	30,000	2,100	7
Seneca River Power Co	100,000	.....	.....
Standard Light, Heat and Power Co	60,000	600	1
Suburban Power Co	10,000	.....	.....
Suffolk Light, Heat and Power Co	40,000	1,600	4
Wallkill Valley Electric Light and Power Co	3,430	.....	.....
Warwick Valley Light and Power Co	25,000	.....	.....
Wetmore Electric Co	40,000	6,000	15
Yates Electric Light and Power Co	300,000	.....	.....
Total dividend paying stocks	725,300	.....	.....
Total non-dividend paying stocks	2,073,530	.....	.....
Totals	2,798,830	35,930	.....

[1] 5 per cent on 7½ shares held by minority stockholders; balance not paid but to remain in business. [2] 8 per cent declared on $40,000; $30,000 additional stock issued after declaration of last dividend.

TABLE 4: ELECTRICAL CORPORATIONS: Showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Electrical Corporations whose gross revenues are less than $10,000, with Amount of Dividends Paid and Rate Declared, for fiscal year ended December 31, 1909. Dividend paying corporations are printed in black face type.

Name of corporation.	Stocks outstanding Dec. 31, 1909.	Dividends.	
		Amount paid.	Rate declared.
	Dollars	Dollars	Per cent
Adams Electric Light Co	10,000	.....	.....
Addison Electric Light and Power Co	23,000	.....	.....
Atlantic Light and Power Co	25,000	.....	.....
Avon Electric Co	18,000	.....	.....
Berlin Electric Light, Heat and Power Co	15,900	.....	.....
Boquet Electric Power Co	19,950	1,000	5
Broadalbin Electric Light and Power Co	16,400	.....	.....
Buttermilk Falls Electric Co	15,000	.....	.....
Cattaraugus Electric Light and Power Co	12,000	600	5
Cazenovia Electric Co	22,000	.....	.....
Champlain Electric Co	15,000	.....	.....
Colonie Electric Co	10,000	.....	.....
Corinth Electric Light and Power Co	25,000	.....	.....
Courter Electric Co	15,000	.....	.....
Delaware and Otsego Light and Power Co	21,400	.....	.....
Delhi Electric Co	30,000	.....	.....
Dunkirk Power and Heating Co	50,000	.....	.....
Dutchess Light, Heat and Power Co	52,000	.....	.....
Earlville Electric Light Co	10,000	.....	.....
East Aurora Electric Light Co	20,000	.....	.....
Electric Light Company of New Paltz	20,000	1,000	5
Ellicottville Electric Light Co	5,000	.....	.....
Fishers Island Electric Light, Heat and Power Co	15,000	.....	.....
Fort Covington Light, Heat and Power Co	12,000	.....	.....
Franklin Springs Electric Light Co	5,000	500	10
Fulton Chain Electric Co	5,000	.....	.....
Genesee Valley Power Co	25,000	.....	.....
Glen Cove Light and Power Co	15,000	.....	.....
Hallett Light and Power Co	3,500	420	12
Hammondsport Electric Light Co	10,000	.....	.....
Harrisville Electric Light and Power Co	7,900	.....	.....
Hermon Electric Light Co	8,750	.....	.....
Hoosac River Electric Light and Power Co	1,000	.....	.....
Jordan Electric Light and Power Co	10,000	.....	.....
Katonah Lighting Co	27,800	.....	.....
Lakewood Electric Light and Power Co	20,000	.....	.....
Livingston Manor Electric Co	32,000	.....	.....
Livonia Light and Heat Co	12,000	.....	.....
Mechanicville Electric Light and Gas Co	5,000	.....	.....
Mexico Electric Co	5,000	.....	.....
Middleburgh and Schoharie El. L., H. and P. Co	40,000	[1]400	1
Middleville Electric Light Co	12,000	.....	.....
Millerton Electric Light Co	7,500	.....	.....
Moravia Electric Light, Heat and Power Co	20,000	.....	.....
Morgan & Wyman Electric Light and Power Co	6,000	360	6
New Berlin Light and Power Co	10,000	.....	.....
Newfane Electric Co	800	.....	.....
Newport Electric Light and Power Co	15,000	.....	.....
New York and Ontario Power Co	150,000	.....	.....
Northern Power Co	400	.....	.....
Norwood Electric Light Co	5,000	.....	.....
Ovid Electric Co	10,000	.....	.....
Oxford Electric Light Co	10,000	.....	.....
Panama Power Co	4,000	.....	.....
Peoples Electric Light and Power Co	17,850	535	3
Potsdam Electric Light and Power Co	22,000	.....	.....
Pulaski Electric Light Co	9,000	540	6
Red Hook Light and Power Co	12,000	.....	.....
Rensselaer Falls Electric Light and Power Co	2,000	.....	.....
Riverhead Electric Light Co	7,500	.....	.....

[1] First quarterly payment on an annual dividend of 4 per cent.

TABLE 4: ELECTRICAL CORPORATIONS: Showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Electrical Corporations whose gross revenues are less than $10,000, with Amount of Dividends Paid and Rate Declared, for fiscal year ended December 31, 1909. Dividend paying corporations are printed in black face type (*concluded*).

Name of corporation.	Stocks outstanding Dec. 31, 1909.	Dividends.	
		Amount paid.	Rate declared.
	Dollars	Dollars	Per cent
Sag Harbor Electric Plant	8,100	.....	.....
St. Regis Light and Power Co	50,000	2,000	4
Salem Light, Heat and Power Co	25,000	.....	.....
Schenevus Electric Light and Power Co	6,000	.....	.....
Scottsville Electric Light and Gas Co	20,000	.....	.....
Sherman Electric Light Co	9,000	450	5
Sodus Gas and Electric Light Co	54,000	[2] 2,005	-6
Thousand Island Electric Light and Power Co	25,000	.....	.....
Ticonderoga Electric Light and Power Co	16,000	.....	.....
Ulster Electric Light, Heat and Power Co	30,000	.....	.....
Union Electric Co	18,500	.....	.....
Vestal Lighting Co	1,000	.....	.....
Walton Electric Light Co	20,000	.....	.....
Waterford Electric Light	500,000	.....	.....
Weedsport	15,000	.....	.....
Wellsville	20,000	.....	.....
West Branch	5,000	.....	.....
Total dividend paying stocks	246,800	.....	.....
Total non-dividend paying stocks	1,607,950	.....	.....
Totals	1,854,750	9,810	.....

[2] So reported; apparent discrepancy not explained.

TABLE 5: COAL GAS AND WATER GAS CORPORATIONS: Showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Coal Gas and Water Gas Corporations whose gross revenues are $25,000 or more, with Amount of Dividends Paid and Rate Declared, for year ended December 31, 1909. Dividend paying corporations are printed in black face type.

Name of corporation.	Stocks outstanding December 31, 1909.			Dividends.			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars	Dollars	Dollars	Dollars	Per cent	Dollars	Per cent
Auburn Gas Co	395,000	205,000	600,000	.....	.....	18,450	9
Binghamton Gas Works	450,000	.....	450,000	54,942	12.2	.....	.....
Buffalo Gas Co	7,000,000	1,713,000	8,713,000	.....	.....	.....	.....
Chuctanunda Gas Light Co	125,000	.....	125,000	12,500	10	.....	.....
Fulton Fuel and Light Co	125,000	.....	125,000	.....	.....	.....	.....
Gas Light Co. of Waverly	150,000	.....	150,000	7,500	5	.....	.....
Homer and Cortland Gas Light Co	100,000	.....	100,000	.....	.....	.....	.....
Inter-Urban Gas Co	10,000	.....	10,000	.....	.....	.....	.....
Ithaca Gas Light Co	200,000	.....	200,000	.....	.....	.....	.....
Mohawk Gas Co. of Schenectady	290,000	154,000	444,000	.....	.....	.....	.....
Nassau and Suffolk Lighting Co.[1]	500,000	95,500	595,500	.....	.....	1,831	6
Ogdensburg Gas Co	100,000	.....	100,000	.....	.....	.....	.....
Seneca Falls and Waterloo Gas Light Co	80,000	.....	80,000	.....	.....	.....	.....
Niagara Light, Heat and Power Co	249,500	.....	249,500	.....	.....	.....	.....
Total dividend paying stocks	725,000	300,500	1,025,500	.....	.....	.....	.....
Total non-dividend paying stocks	9,049,500	1,867,000	10,916,500	.....	.....	.....	.....
Totals	9,774,500	2,167,500	11,942,000	74,942	.....	20,208	.....

[1] Preferred stock issued during the year; dividends reported as "6%," $1831.

TABLE 6: COAL GAS AND WATER GAS CORPORATIONS: Showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Coal Gas and Water Gas Corporations whose gross revenues are less than $25,000, with Amount of Dividends Paid and Rate Declared, for year ended December 31, 1909. Dividend paying corporations are printed in black face type.

Name of corporation.	Stocks outstanding Dec. 31, 1909.	Dividends.	
		Amount paid.	Rate declared.
	Dollars	Dollars	Per cent
Brockport Gas Light Co	25,000	.....	.....
Canandaigua Gas Light Co	50,000	.....	.....
Cooperstown Gas Co	6,150	.....	.....
Fidelity Gas Co. of Hoosick Falls	75,000	.....	.....
Fredonia Natural Gas Light Co	40,000	.....	.....
Goshen Illuminating Co	15,000	.....	.....
Huntington Gas Co	60,000	.....	.....
Lyons Gas Light Co	30,000	.....	.....
Medina Gas Co	40,000	.....	.....
Nassau Gas Construction Co	150,000	.....	.....
Newark, N. Y., Gas Light and Fuel Co	50,000	.....	.....
Owego Gas Light Co	60,000	.....	.....
Patchogue Gas Co	150,000	.....	.....
Penn Yan Gas Light Co	24,750	.....	.....
Port Henry Gas Co	6,800	.....	.....
Sag Harbor Lighting Co	20,000	1,200	6
Saugerties Gas Light Co.[1]	45,625	3,166	6
Watkins Illuminating and Power Co	50,000	.....	.....
West Shore Gas Co	15,500	.....	.....
Total dividend paying stocks	65,625	.....	.....
Total non-dividend paying stocks	848,200	.....	.....
Totals	913,825	4,366	.....

[1] 3 per cent dividend on $32,000, and 3 per cent dividend on $41,525.

TABLE 7: COMBINED ELECTRICAL AND GAS CORPORATIONS: Showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Combined Electrical and Gas Corporations whose gross revenues are $25,000 or more, with Amount of Dividends Paid and Rate Declared, for year ended December 31, 1909. Dividend paying corporations are printed in black face type.

Name of corporation.	Stocks outstanding December 31, 1909.			Dividends.			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars	Dollars	Dollars	Dollars	Per cent	Dollars	Per cent
Cohoes Gas Light Co	50,000	.....	50,000	5,000	10	.....	.....
Corning Gas and Electric Co	350,000	.....	350,000	.....	.....	.....	.....
Fulton County Gas and Electric Co	1,030,000	.....	1,030,000	.....	.....	.....	.....
Glens Falls Gas and Electric Light Co	190,000	.....	190,000	.....	.....	.....	.....
Kingston Gas and Electric Co.[1]	700,000	.....	700,000	3,692	0.527	.....	.....
Lockport Light, Heat and Power Co	150,000	.....	150,000	15,000	10	.....	.....
Madison County Gas and Electric Co	200,000	100,000	300,000	.....	.....	.....	.....
Malone Light and Power Co	100,000	.....	100,000	6,000	6	.....	.....
Municipal Gas Co	2,000,000	.....	2,000,000	200,000	10	.....	.....
Newburgh Light, Heat and Power Co	500,000	.....	500,000	25,000	5	.....	.....
Niagara Falls Gas and Electric Light Co	150,000	.....	150,000	.....	.....	.....	.....
Northern Westchester Lighting Co	804,000	.....	804,000	.....	.....	.....	.....
Orange County Lighting Co	100,000	.....	100,000	.....	.....	.....	.....
Peoples Gas and Electric Co. of Oswego	450,000	.....	450,000	.....	.....	.....	.....
Plattsburgh Gas and Electric Co	125,000	100,000	225,000	.....	.....	.....	.....
Poughkeepsie Light, Heat and Power Co	500,000	.....	500,000	20,000	4	.....	.....
Rochester Railway and Light Co	6,499,000	2,997,800	9,496,800	.....	.....	149,890	5
Rockland Light and Power Co.[2]	230,000	100,000	330,000	13,500	6	6,000	6
Rome Gas, Electric Light and Power Co	400,000	.....	400,000	.....	.....	.....	.....
Saratoga Gas, Electric Light and Power Co	30,400	180,400	210,800	.....	.....	.....	.....
Schoharie Light and Power Co	40,000	.....	40,000	.....	.....	.....	.....
Southern Dutchess Gas and Electric Co	15,000	.....	15,000	.....	.....	.....	.....
Suffolk Gas and Electric Light Co	200,000	.....	200,000	.....	.....	.....	.....
Swett, A. L., Electric Light and Power Co	300,000	.....	300,000	.....	.....	.....	.....
Syracuse Lighting Co	3,000,000	1,000,000	4,000,000	75,000	2.5	50,000	5
Troy Gas Co	1,000,000	.....	1,000,000	95,000	9.5	.....	.....
United Gas, Electric Light and Fuel Co	200,000	.....	200,000	.....	.....	.....	.....
Utica Gas and Electric Co	2,000,000	.....	2,000,000	90,000	4.5	.....	.....
Watertown Light and Power Co.[3]	455,000	.....	455,000	36,400	12	.....	.....
Westchester Lighting Co	10,000,000	2,500,000	12,500,000	.....	.....	.....	.....
Total dividend paying stocks	10,685,000	4,097,800	14,782,800	.....	.....	.....	.....
Total non-dividend paying stocks	21,083,400	2,880,400	23,963,800	.....	.....	.....	.....
Totals	31,768,400	6,978,200	38,746,600	584,592	.....	205,890	.....

[1] Company reports dividend of $3692; rate of 0.527 per cent is computed which no dividends were declared.

[2] 6 per cent dividend on $225,000 common stock; $5000 issued, on

[3] Four quarterly dividends of 3 per cent declared, but only three paid up to December 31, 1909.

TABLE 8: COMBINED ELECTRICAL AND GAS CORPORATIONS: Showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Combined Electrical and Gas Corporations whose gross revenues are less than $25,000, with Amount of Dividends Paid and Rate Declared, for year ended December 31, 1909. Dividend paying corporations are printed in black face type.

Name of corporation.	Stocks outstanding Dec. 31, 1909.	Dividends.	
		Amount paid.	Rate declared.
	Dollars	Dollars	Per cent
Bath Electric Gas Light Co	100,000	.....	.....
Central New York Power Co	2,000	.....	.....
Dansville Gas and Electric Co	79,700	.....	.....
Fort Plain Gas and Electric Light, Heat and Power Co	31,000	4,650	15
Geneseo Gas Light Co	25,000	.....	.....
Granville Electric and Gas Co	150,000	.....	.....
Halfmoon Light, Heat and Power Co	55 000	1,100	2
Norwich Gas and Electric Co	100,000	.....	.....
Oneonta Light and Power Co	[1] 175,000	2,250	3
Palmyra Gas and Electric Co	25,000	.....	.....
Warsaw Gas and Electric Co	50,000	2,500	5
Waterville Gas and Electric Co	19,100	.....	.....
Total dividend paying stocks	211,000	.....	.....
Total non-dividend paying stocks	600,800	.....	.....
Totals	811,800	10,500	.....

[1] Includes $75,000 of preferred stock upon which 3 per cent dividends were paid.

TABLE 9: COMBINED ELECTRIC RAILROAD AND ELECTRICAL OR GAS CORPORATIONS: Showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Combined Electric Railroad and Electrical or Gas Corporations, with Amount of Dividends Paid and Rate Declared, for the fiscal year ended June 30, 1910. Dividend paying corporations are printed in black face type.

Name of corporation.	Stocks outstanding June 30, 1910.			Dividends.			
				Common stock		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars	Dollars	Dollars	Dollars	Per cent	Dollars	Per cent
Albany Southern Railroad Co	1,375,000	2,029,000	3,404,000	.....	.....	.....	.....
Cortland County Traction Co	320,000	.....	320,000	.....	.....	.....	.....
Elmira Water, Light and Railroad Co.[1]	1,000,000	680,000	1,680,000	.....	.....	33,750	5
Lima-Honeoye Electric Light and Railroad Co	5,000	.....	5,000	.....	.....	.....	.....
Paul Smith's Electric Light and Power and Railroad Co	200,000	.....	200,000	.....	.....	.....	.....
Peekskill Lighting and Railroad Co.[2]	500,000	150,000	650,000	10,625	2.125	9,000	6
St Lawrence International Electric Railroad and Land Co	250,000	.....	250,000	.....	.....	.....	.....
Total dividend paying stocks	500,000	830,000	1,330,000	.....	.....	.....	.....
Total non-dividend paying stocks	3,150,000	2,029,000	5,179,000	.....	.....	.....	.....
Totals	3,650,000	2,859,000	6,509,000	10,625	.....	42,750	.....

[1] 2½ per cent on $670,000; 2½ per cent on $680,000.

[2] Two quarterly dividends of 1 per cent and 1¼ per cent.

APPENDIX B

In the Matter of Construction and Exercise of Franchise by Railroad Corporations.

APPENDIX B

[Case No. 1237]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of C. F. WRIGHT, E. P. EMERSON, I. N. BEARDSLEY, C. RICHARD TAYLOR, and FRANK R. MOODY for permission to carry on the business of a gas and electric light and power company, and to form a railroad corporation for the purpose of building, equipping, maintaining, and operating an electric street railway in the city of Port Jervis, Orange county, N. Y.

This matter having been duly heard and submitted for consideration, it is

Ordered: That so much of the application in the above entitled proceeding as seeks approval by this Commission of the exercise by a corporation to be formed of franchises to supply gas and electricity to the residents of Port Jervis and to build and operate a street railroad upon a route to be hereafter located in the city of Port Jervis be and is hereby disapproved; and that as to the remainder of said application no action is required at this time.

[Case No. 124]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Application of the BUFFALO, ROCHESTER AND EASTERN RAILROAD COMPANY for a certificate of public convenience and a necessity under section 59 of the Railroad Law, and for permission to commence construction and exercise franchises under section 53 of the Public Service Commissions Law.

The application in this proceeding having been denied by order entered March 15, 1909, and the applicant having on November 11, 1909, filed an application for rehearing, and a hearing on said application for rehearing

having been had December 7, 1909; and it appearing to the Commission that the said application for rehearing should be granted, and that upon such rehearing the case shall be reconstituted so as to present a complete new record, it is

Ordered: That the said application for rehearing be and the same is hereby granted; provided however that the record as made on such rehearing shall constitute an entire new record, any testimony now on file herein which shall be offered and admitted, to be read into the new record, and any exhibits on file in this proceeding which shall be offered and admitted, to be refiled as part of such new record.

[Case No. 449]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of the CITY OF AUBURN *against* AUBURN AND SYRACUSE ELECTRIC RAILROAD COMPANY and AUBURN AND NORTHERN ELECTRIC RAILROAD COMPANY.

Whereas, The City of Auburn makes complaint against the Auburn and Syracuse Electric Railroad Company and the Auburn and Northern Electric Railroad Company, asking that these roads be double tracked upon State street in the city of Auburn between Genesee and York streets; and

Whereas, In the judgment of this Commission such changes in the tracks and switches and such additions should reasonably be made in order to promote the security and convenience of the public and to secure adequate service; and

Whereas, The Commission is informed and believes that the City of Auburn is willing to execute any additional franchises, if necessary, expressly to authorize the laying of a double track in State street; and

Whereas, The Commission is informed and believes that the necessary consents of abutting owners may be readily secured by said railroad companies; and

Whereas, In default of such consents application may be made to any general term of the Supreme Court for the appointment of commissioners under section 94 of the Railroad Law; therefore it is

Ordered: That the Auburn and Syracuse Electric Railroad Company, upon the execution and delivery of any necessary additional franchises by the City of Auburn, be and hereby is required and directed to lay a double track on State street in said city from Genesee street to within approximately fifty (50) feet of the bridge crossing the Owasco outlet, and from approximately fifty (50) feet to the north of The New York Central and Hudson River Railroad Company's track to Seymour street; and it is

Ordered: That the Auburn and Northern Electric Railroad Company, upon the execution and delivery of any necessary additional franchises by the City of Auburn, be and hereby is required and directed to lay a double track on State street in said city from Seymour street to the bend in the road between Union avenue and Grant street, at a point approximately one hundred (100) feet south of Grant street; and it is

Ordered: That the Auburn and Syracuse Electric Railroad Company and the Auburn and Northern Electric Railroad Company be and hereby are re-

quired and directed, not later than March 1, 1910, to begin the acquisition of the necessary consents of abutting property owners; to make application on or before March 15, 1910, to the City of Auburn for the necessary franchises; and in default of the necessary consents of abutting property owners to make application on or before May 1, 1910, to a general term of the Supreme Court for the appointment of commissioners as provided in section 94 of the Railroad Law; and it is

Ordered: That within one month after obtaining the necessary franchises from the City of Auburn, and the necessary consents of abutting property owners (or in default of such consents the decision of commissioners confirmed by the Supreme Court under section 94 of the Railroad Law), the Auburn and Syracuse Electric Railroad Company and the Auburn and Northern Electric Railroad Company be and hereby are required and directed to begin construction of the changes in the tracks and switches, and additions thereto, specified in this order, and to complete one-half the work within one year from the date of beginning and the whole work within two years from such date; and it is

Ordered: That the Auburn and Syracuse Electric Railroad Company and the Auburn and Northern Electric Railroad Company notify this Commission on or before the 1st day of March, 1910, whether the terms of this order are accepted and will be obeyed.

[Case No. 1513]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of the Schenectady Railway Company under section 53 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That the said Schenectady Railway Company be and it hereby is permitted to build, construct, maintain, and operate an extension of its street surface railroad for public use in the conveyance of persons and property for compensation in the city of Schenectady, county of Schenectady, State of New York, to be operated by any motive power other than locomotive steam power which now or any time hereafter may be lawfully used on this route, upon and along the surface of the following streets in the said city: beginning at a point at the intersection of Washington avenue and Edison avenue (formerly Lyon street) in the city of Schenectady where its tracks are now laid, and extending thence along Edison avenue (formerly Lyon street) in a southerly direction a distance of approximately 600 feet, thence continuing along Edison avenue southerly and easterly to its tracks at South Center street, a distance of approximately 1300 feet; and that it be and hereby is permitted to exercise the rights and privileges for such construction and operation conferred on the applicant by franchises and consents granted by the common council of the City of Schenectady, May 28, 1907, duly approved by the mayor of the City of Schenectady on the 10th day of June, 1907, together with the consents of the abutting property owners on Edison avenue and Lyon street, certified copies of which are filed with and made a part of the application herein.

[Case No. 1408]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Application of THE WESTCHESTER ELECTRIC RAILROAD COMPANY AND J. ADDISON YOUNG AS ITS RECEIVER, and of the UNION RAILWAY COMPANY OF NEW YORK CITY AND FREDERICK W. WHITRIDGE AS ITS RECEIVER, for the approval of franchises granted by the City of Mount Vernon.

The City of Mount Vernon did on the 6th day of October, 1909, grant to The Westchester Electric Railroad Company a franchise for the construction, extension, and operation of its tracks and railroad in said city. The said company and its Receiver, J. Addison Young, have made application to this Commission pursuant to section 53 of the Public Service Commissions Law for its permission and approval to exercise the said franchise, which franchise is set forth in full in Exhibit B annexed to the petition of said applicants. The said franchise contains several provisions which may be construed as limiting the powers of this Commission as conferred by the Public Service Commissions Law over the fares to be charged by said company in its operations under said franchise, and other provisions which may be construed as limiting other powers of this Commission conferred by said law, reference being had particularly to the paragraphs numbered "1st," "2nd," and "3rd" of the clause of said franchise numbered "Second," to the clauses numbered "Seventh," "Eighth," "Twelfth," and "Twenty Seventh," without however by this reference excluding other provisions not particularly specified. This Commission understands it has the right and that it is its duty to refuse permission and approval to exercise any franchise which may be construed to limit the powers conferred upon it by law either directly or by necessary implication, and it further understands that it should not approve this franchise if such approval may be construed as limiting its power to require in a proper case the person or corporation operating under said franchise to charge a fare of less than ten cents in the case mentioned in paragraph "1st" of clause "Second," and fares of less than five cents in the cases mentioned in paragraphs "2nd" and "3rd" of clause "Second" of said franchise. The said applicants urge through their counsel that no provisions in said franchise limit the powers conferred by law upon this Commission, and that so far as any such provisions may be apparently inconsistent with the full and complete exercise of such powers, they are to the extent of inconsistency void, and that approval of the franchise as a whole will not have the effect of limiting or modifying in any particular the full and complete exercise of such powers. In this connection the Commission has given careful attention to the decision and opinion of the Court of Appeals in the case, *The People of the State of New York ex rel. South Shore Traction Company* vs. *Willcox and others*, 196 N. Y. 212, and especially that language in the said opinion which is as follows: "So far as the consent of the municipal authorities to the construction of the proposed line may be limited by conditions which are in conflict with the provisions of the Public Service Commissions Law, it is enough to say that the statute must prevail and such conditions are simply nugatory"; and relies upon such language as stating clearly that the powers of the Commission will not be limited or modified by any of the provisions of the said franchise because of permission given by it to exercise said franchise. Now therefore it is

Ordered: That this Commission permits and approves of the exercise by the said The Westchester Electric Railroad Company of said franchise granted

by the board of aldermen of the City of Mount Vernon on the 27th day of September, 1909, and approved by the mayor of said City on the 6th day of October, 1909, being Exhibit B accompanying the petition in this case. This permission and approval is upon the express condition to be deemed assented to by the said The Westchester Electric Railroad Company, by its Receiver, and by any and all persons and corporations who shall hereafter claim or exercise any rights under said franchise, by the acceptance of the order to be entered, that such permission and approval is not at any time or under any circumstances to be treated or considered as limiting or modifying any powers conferred by law upon this Commission.

It is further Ordered: That said The Westchester Electric Railroad Company and said J. Addison Young as its Receiver shall, in the manner provided by section 23 of the Public Service Commissions Law, on or before the 1st day of April, 1910, notify this Commission whether the terms of this order are accepted by said The Westchester Electric Railroad Company and by said J. Addison Young as Receiver of said The Westchester Electric Railroad Company, and will be obeyed. In default of such acceptance by said Company and its Receiver as herein provided, the resolution of this Commission adopted March 18, 1910, pursuant to which this order is entered, and this order, shall be null and void.

[Case No. 1408]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of March, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
Commissioners.

In the matter of the Application of The Westchester Electric Railroad Company and J. Addison Young as its Receiver, and of the Union Railway Company of New York City and Frederick W. Whitridge as its Receiver, for the approval of franchises granted by the Village of Pelham Manor.

After due hearing and deliberation it is

Ordered: That this Commission permits and approves of the exercise by The Westchester Electric Railroad Company of the franchise granted to said company by the board of trustees of the Village of Pelham Manor on or about the 8th day of November, 1909, a copy of said franchise being Exhibit C accompanying the petition of said company for such permission and approval. This permission and approval is upon the express condition to be deemed assented to by the said The Westchester Electric Railroad Company, by its Receiver, and by any and all persons and corporations who shall hereafter claim or exercise any rights under said franchise, by the acceptance of the order to be entered, that such permission and approval is not at any time or under any circumstances to be treated or considered as limiting or modifying any powers conferred by law upon this Commission. This permission and approval is upon the further condition that all the terms and conditions of a certain agreement between the Village of Pelham Manor and said The Westchester Electric Railroad Company dated February 4, 1898, in relation to furnishing power for pumping station, be deemed and made a part of said franchise granted November 8, 1909, the said company having requested that this Commission impose such condition as a part of this permission and approval.

It is further Ordered: That said The Westchester Electric Railroad Company and said J. Addison Young as its Receiver shall, in the manner provided by section 23 of the Public Service Commissions Law, on or before the

1st day of April, 1910, notify this Commission whether the terms of this order are accepted by said The Westchester Electric Railroad Company and by said J. Addison Young as Receiver of said The Westchester Electric Railroad Company, and will be obeyed. In default of such acceptance by said Company and its Receiver as herein provided, the resolution of this Commission adopted March 18, 1910, and amended March 22, 1910, pursuant to which this order is entered, and this order, shall be null and void.

[Case No. 1408]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE WESTCHESTER ELECTRIC RAILROAD COMPANY AND J. ADDISON YOUNG AS ITS RECEIVER, and of the UNION RAILWAY COMPANY OF NEW YORK CITY AND FREDERICK WHITRIDGE AS ITS RECEIVER, for the approval of franchises granted by the City of Mount Vernon.

After due deliberation it is

Ordered: That the acceptance of the resolution of this Commission in the matter of the application of The Westchester Electric Railroad Company and others for approval of the franchises granted by the City of Mount Vernon dated the 24th day of March, 1910, and filed with this Commission on the 28th day of March, 1910, executed by said Westchester Electric Railroad Company and by J. Addison Young as its Receiver, is a satisfactory compliance with the terms of said resolution and the order pursuant thereto, and that the said resolution and order now have full force and effect.

[Case No. 1408]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE WESTCHESTER ELECTRIC RAILROAD COMPANY AND J. ADDISON YOUNG AS ITS RECEIVER, and of the UNION RAILWAY COMPANY OF NEW YORK CITY AND FREDERICK WHITRIDGE AS ITS RECEIVER, for the approval of franchises granted by the Village of Pelham Manor.

After due deliberation it is

Ordered: That the acceptance of the resolution of this Commission in the matter of the application of The Westchester Electric Railroad Company

and others for approval of the franchises granted by the Village of Pelham Manor dated the 24th day of March, 1910, and filed with this Commission on the 28th day of March, 1910, executed by said Westchester Electric Railroad Company and by J. Addison Young as its Receiver, is a satisfactory compliance with the terms of said resolution and the order pursuant thereto, and that the said resolution and order now have full force and effect.

[Case No. 1563]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of April, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Petition of The Delaware and Hudson Company under section 53 of the Public Service Commissions Law for permission to exercise a franchise granted by the City of Glens Falls to construct a switch track across Glen street in said city.

The applicant, The Delaware and Hudson Company, filed its petition March 25, 1910, for permission and approval under section 53 of the Public Service Commissions Law to exercise a franchise granted by the common council of the City of Glens Falls November 24, 1909, for extension of the applicant's switch track across Glen street at a point near the canal bridge in the city of Glens Falls, and to cross the said street at grade; and also to construct the said switch across the track of the Hudson Valley Railway Company which operates an electric line along Glen street in said city, the consent in writing of the Hudson Valley Railway Company being attached to said petition. After hearing upon said petition April 5, 1910, and due consideration of the subject matter, it is

Ordered: That the permission and approval of this Commission be and is hereby granted to the applicant, The Delaware and Hudson Company, to exercise the said franchise granted by the common council of the City of Glens Falls, and to extend its switch track across Glen street in said city at a point near the canal bridge in said city, and to cross the track of the Hudson Valley Railway Company which operates an electric railway line along Glen street; but this permission and approval is granted subject to the following conditions: 1, that no car or cars shall be propelled upon said switch across Glen street and the track of the Hudson Valley Railway Company in any other manner than by locomotive attached to the car or cars in solid train movement; 2, that the crossing of said street and the track of the Hudson Valley Railway Company by the applicant's train or by its locomotive shall be in every case preceded by a flagging operation performed by a designated employee, and such flagging by such employee of the applicant shall also continue until every such crossing by train or locomotive shall have been completed; 3, that all switching movements shall be performed during the daylight hours, and there shall be not more than three full switching movements performed on any one day; 4, that no such switching movement by the applicant across Glen street shall interfere with or delay the running of any passenger car along Glen street by the Hudson Valley Railway Company; 5, that the conditions hereby imposed shall be subject to modification or extension by further order of the Commission, as safe operation and the public interest may appear to require.

[Case No. 1575]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the PORT JERVIS TRACTION COMPANY under section 53 of the Public Service Commissions Law as to construction of an extension of its railroad in the town of Deerpark, Orange county.

After due hearing and deliberation it is

Ordered: That the permission and approval of this Commission be and it is hereby given, pursuant to section 53 of the Public Service Commissions Law, that the Port Jervis Traction Company, a domestic corporation engaged in operating a street surface electric railroad in the city of Port Jervis, Orange county, may exercise its rights and privileges under a franchise granted it March 21, 1910, by the superintendent of highways and the town board of the Town of Deerpark, Orange county, and may construct, maintain, and operate an extension of said railroad upon and along the highway known as the Orange and Sullivan plank road, from the westerly boundary line of the city of Port Jervis to the state highway at the village of Sparrowbush, town of Deerpark, in the opinion of the Commission said construction and exercise of franchise being necessary and convenient for the public service; provided, however, as stipulated in the record, that should the Port Jervis Traction Company not build and operate the street railroad along said Orange and Sullivan plank road this consent shall be ineffective and void.

[Case No. 1543]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the WESTCHESTER NORTHERN RAILROAD COMPANY for a certificate of public convenience and a necessity under section 59 of the Railroad Law; and for permission and approval to exercise its franchises and for leave to commence construction under section 53 of the Public Service Commissions Law; and for a determination as to the manner of crossing streets, avenues, and highways in accordance with the provisions of section 60 of the Railroad Law.

Whereas, The Westchester Northern Railroad Company, a railroad corporation duly organized under the laws of the State of New York, has made application for a certificate of public convenience and a necessity under section

59 of the Railroad Law, and for permission and approval to begin the construction of its railroad and exercise its general franchise under section 53 of the Public Service Commissions Law; and

Whereas, The route of said railroad is described as follows in its certificate of incorporation: "Beginning at a terminus at a point of connection with the railroad of the New York, Westchester and Boston Railway Company in the village of White Plains in Westchester county and State of New York, near the intersection of Mamaroneck river with Westchester avenue; thence northerly and easterly in Westchester county and State of New York, to a point in the town of Lewisboro, on the boundary line between the State of New York and the State of Connecticut near its intersection with Stamford Mill river; thence in the same general direction in the State of Connecticut to a terminus in the State of Connecticut, at a point of connection with the railroad of The New York, New Haven and Hartford Railroad Company in the town of Danbury; with a branch line from a point on the said line in the town of Pound Ridge in Westchester county, State of New York, near Cross Pond, in a northerly direction through Westchester county and Putnam county, in the State of New York, about fourteen miles to a terminus at a point of connection with the railroad of The New York, New Haven and Hartford Railroad Company in Putnam county, in the State of New York, at a point near the boundary line between the State of New York and the State of Connecticut"; and

Whereas, Public hearings have been had upon said application, pursuant to public notice duly given, at which all parties so desiring have been fully heard, and their reasons in support of or in opposition to granting the application have been fully considered; and

Whereas, The location of the proposed road of the said corporation is indefinite and uncertain under the description of said location as given in the said articles of incorporation, which said description is hereinbefore recited in full; and

Whereas, To make the location of said route more definite and certain the said corporation did on the 10th day of March, 1910, file with this Commission two maps of its proposed route, the first marked and designated as follows: "Westchester Northern R. R. Main Line from White Plains, N. Y. to Danbury, Conn., Mar. 8, 1910"; the other marked and designated as follows: "Westchester Northern R. R. Branch Line from junction with main line in Pound Ridge, N. Y., to Brewster, N. Y., Mar. 8, 1910"; and

Whereas, In consequence of objections to portions of said lines made upon the hearings the said corporation did thereafter, on the 27th day of April, 1910, file with this Commission revised maps as follows: (1) a modification of the main line marked, "Revision of portion of line shown on map dated March 8th, 1910, through the Town of Bedford, Westchester Co., N. Y., passing about 1 mile east of Bedford Village, April 26, 1910"; (2) map showing the revision of said main line, marked and designated as follows: "Westchester Northern Railroad. Main Line. Revision of portion of line shown on map dated March 8th, 1910, from Lake Ave. in the town of Harrison to a point just north of the boundary line between the States of New York and Conn., April 26, 1910"; (3) a revision or modification of the branch line, which said map showing such revision or modification is marked and designated as follows: "Westchester Northern Railroad. Branch line. Revision of portion of line shown on a map dated March 8th, 1910, from Boutonville to East Salem, passing ½ mile west of the west end of Waccabuc Lake. April 26, 1910"; and

Whereas, After due consideration by this Commission, it is of opinion that the proposed road as shown upon the said maps is a public convenience and a necessity; and

Whereas, Upon said public hearings it has been made to appear by the said corporation, to the satisfaction of the Commission, that all of the conditions required by section 59 of the Railroad Law have been complied with; now therefore it is

Ordered: That this Commission certify: (1) that the Westchester Northern Railroad Company has complied with all of the conditions of section 59 of the Railroad Law, and has caused a copy of its articles of association to be published in one or more newspapers in the county of Westchester and in one or more newspapers in the county of Putnam, in which counties of the State of New York the road is proposed to be located, at least once a week for three successive weeks, and has filed satisfactory proof of such publication with this Commission; (2) that public convenience and a necessity require the construction of the proposed railroad of said corporation as proposed in said articles of association, upon the route and in the location shown upon the aforesaid map filed with this Commission March 10, 1910, as modified by the aforesaid maps filed with this Commission April 27, 1910, all of which maps are hereinbefore particularly described.

It is further Ordered: That pursuant to section 53 of the Public Service Commissions Law the permission and approval of this Commission is given that the said Westchester Northern Railroad Company may begin the construction of its proposed railroad upon the route as laid down and shown upon the aforesaid maps, and that the said corporation may exercise its general franchise and right to exist and do business as a railroad corporation, it appearing to this Commission that such construction and such exercise of the said general franchise and privilege are necessary and convenient for the public service.

It is further Ordered: That the application of said corporation for a determination of the method of crossing the streets, avenues, and highways proposed to be crossed by its proposed railroad be continued for further hearing.

[Case No. 1641]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, under section 53 of the Public Service Commissions Law for permission to construct a cut-off line of the R., W. & O. railroad between Sanford and Watertown, Jefferson county; and under section 60 of the Railroad Law for an order determining the method of said cut-off railroad crossing four highways.

After due hearing and deliberation it is

Ordered: That The New York Central and Hudson River Railroad Company be and hereby is permitted to construct a double-track line for freight, partly within the town of Pamelia and partly within the town of LeRay extending from the city of Watertown to Sanford, Jefferson county, N. Y., upon the route and location indicated upon the map filed with and made a part of this application; and it is

Further ordered: That a decision upon the application, under section 60 of the Railroad Law for an order determining the method of said cut-off railroad crossing four highways, be and the same hereby is deferred, pending an application to the Supreme Court of the State of New York under and by virtue of section 11 of the Railroad Law.

[Case No. 1687]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTEAD,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY in reference to proposed cut-off branches and connections in the city of Rome, Oneida county, N. Y.

After due hearing and deliberation it is

Ordered: That The New York Central and Hudson River Railroad Company be and it hereby is permitted to construct, maintain, and operate, under section 53 of the Public Service Commissions Law, a cut-off, together with branches and connections, through the city of Rome, in accordance with the terms and specifications of plans and profiles annexed to and made a part of the petition herein, authorized and approved in every detail by resolution adopted at a meeting of the board of public works of the City of Rome, held on the 5th day of May, 1910, a copy of which is annexed to and made a part of the petition herein; and that in the construction and operation of said cut-off branches and connections of the New York Central and Hudson River railroad, the consent of this Commission be and hereby is given to The New York Central and Hudson River Railroad Company to exercise all rights and franchises vested in the petitioner so far as required for said construction, maintenance, and operation; and it is

Further Ordered: That pursuant to section 60 of the Railroad Law the determination of this Commission is that all highway crossings involved in the construction of the above mentioned cut-off shall be over the grade of the highway by overhead crossings constructed in accordance with the plans and specifications filed and made a part of the petition herein, approved by resolution adopted at a meeting of the board of public works of the City of Rome on the 5th day of May, 1910, filed with and made a part of the petition herein.

[Case No. 1641]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, under section 53 of the Public Service Commissions Law for permission to construct a cut-off line of the R., W. & O. railroad between Sanfords and Watertown, Jefferson county, and under section 60 of the Railroad Law for an order determining the method of said cut-off railroad crossing four highways.

Whereas. In the above entitled matter this Commission did by order dated June 2, 1910, grant permission to The New York Central and Hudson River

Railroad Company to construct a double-track line for freight, partly within the town of Pamelia and partly within the town of LeRay, extending from the city of Watertown to Sanfords, Jefferson county, N. Y., upon the route and location indicated upon the map filed with and made a part of the application of The New York Central and Hudson River Railroad Company for said permission; and

Whereas, A petition has been received from C. Arthur Parker of Gouverneur, N. Y., dated June 16, 1910, requesting a rehearing before this Commission on the original application in the case;

Ordered: That the consent of this Commission be and it hereby is given for such rehearing, and that the same be held at the Capitol in the city of Albany on the 6th day of July, 1910, at 2 o'clock p. m.

[Case No. 1704]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the HUDSON VALLEY RAILWAY COMPANY under section 53 of the Public Service Commissions Law as to construction of an extension of a street railway in the village of Saratoga Springs and the town of Saratoga Springs.

After hearing and due deliberation in the above entitled matter

Ordered: 1. That the Hudson Valley Railway Company a domestic street surface railway corporation, be and it hereby is permitted, pursuant to section 53 of the Public Service Commissions Law, to build, maintain, construct, and operate a single-track branch of its present railroad system for the purpose of connecting what is known as its Glens Falls division with its Waterford division, the route of said extension and connecting line to be in accordance with the following description: From a point in East avenue, where the tracks of the North River railway are now located, running thence southerly along East avenue and crossing the tracks of the Boston and Maine railroad at grade; thence southerly along and through East avenue, to the southerly corporation line of the village of Saratoga Springs; thence southerly along East avenue, in the town of Saratoga Springs, to Union avenue; thence crossing Union avenue and entering in and upon private property of the Saratoga Racing Association; thence southerly into Lincoln avenue, connecting with the tracks of the Hudson Valley Railway Company as now located, with a branch running westerly from East avenue on Spring avenue to connect with the track of the North River railway, thereby making a continuous line of applicant's railroad from the city of Glens Falls on the north, through the village and town of Saratoga Springs, southerly into the villages of Ballston Spa, Mechanicville, Waterford, and the city of Troy;

Ordered: 2. That the said Hudson Valley Railway Company be and hereby is permitted to exercise the rights and privileges for the aforesaid construction, operation, and maintenance set forth in certain franchises granted by the sewer, water and street commission of the Village of Saratoga Springs, N. Y., and by the town board and town superintendent of highways of the Town of Saratoga Springs, N. Y., on the 15th day of June, 1910, copies of which are annexed to and made a part of the petition herein; and that the above mentioned construction, operation, and maintenance of said connecting line shall be in accordance with the provisions of the franchises herein mentioned.

[Case No. 1641]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Petition of The New York Central and Hudson River Railroad Company for permission to construct a cut-off on the line of the Rome, Watertown and Ogdensburg railroad between Sanfords and Watertown.

An application having been made for rehearing in the above entitled matter by C. Arthur Parker, Gouverneur, N. Y., one of the property owners through whose property the proposed cut-off is to be constructed, and due notice having been given of said application to all parties concerned; and after hearing C. Arthur Parker on the application in favor of said rehearing,

Ordered: That the said application for rehearing be and the same is hereby denied.

[Case No. 1769]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
Frank W. Stevens, Chairman,
James E. Sague,
John N. Carlisle,
Commissioners.

In the matter of the Application of the Utica and Mohawk Valley Railway Company under section 53 of the Public Service Commissions Law for approval of a consent given by the Village of Whitesboro to change in location of a track.

Whereas, The petition of the Utica and Mohawk Valley Railway Company filed with this Commission on the 23rd day of July, 1910, shows that consent has been given to the petitioner by the board of trustees of the Village of Whitesboro, N. Y., for a change in location of a track operated by the petitioner in Main street in the said village of Whitesboro, authorizing the removal of said track from the northerly side of Main street to the center thereof for a distance from Watkins street westerly to the corporation limits of said village, together with all necessary connections, switches, sidings, turnouts, turntables, crossovers, and appurtenances; now therefore, after due hearing and deliberation, it is

Ordered: That the consent of this Commission be and it hereby is given to the petitioner to exercise the rights and privileges granted therefor by the board of trustees of the Village of Whitesboro by resolution duly adopted on the 13th day of July, 1910, a certified copy of which is annexed to and made a part of the petition herein.

[Case No. 1770]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the UTICA AND MOHAWK VALLEY RAILWAY COMPANY for approval under section 53 of the Public Service Commissions Law of a consent given by the Village of Whitesboro to a change in the location of tracks.

Whereas, The petition of the Utica and Mohawk Valley Railway Company filed with this Commission on the 25th day of July, 1910, in the above entitled matter shows that on the 13th day of July, 1910, the board of trustees of the Village of Whitesboro, N. Y., duly passed a resolution to permit the Utica and Mohawk Valley Railway Company, as successor to the Utica Belt Line Street Railroad Company, to change the location of a portion of its track passing through Main street in said village; now therefore, after due hearing and deliberation, it is

Ordered: That the consent of this Commission be and it is hereby given to the Utica and Mohawk Valley Railway Company to exercise the rights and privileges granted by the board of trustees of the Village of Whitesboro and set forth in the resolution above mentioned, a certified copy of which is annexed to and made a part of the petition herein. And that pursuant to the terms of said resolution the petitioner be and hereby is permitted to change the location of its track from the northerly side of Main street to the center thereof for a distance from Westmoreland street to a point 35 feet westerly of Watkins street, together with all necessary connections, switches, sidings, turnouts, turntables, crossovers, and appurtenances.

[Case No. 1771]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the UTICA, CLINTON AND BINGHAMTON RAILROAD COMPANY as owner, and the UTICA AND MOHAWK VALLEY RAILWAY COMPANY as lessee, for approval under section 53 of the Public Service Commissions Law of a consent given by the Town of Whitestown, the Village of Whitesboro, and the town superintendent of highways of the Town of Whitestown for a change in location of a track.

Whereas, In the above entitled matter, the petition of the Utica, Clinton and Binghamton Railroad Company and the Utica and Mohawk Valley Railway Company filed with this Commission July 25, 1910, shows that on July 13, 1910, the board of trustees of the Village of Whitesboro, N. Y., duly adopted

a resolution, joining with the town board of the Town of Whitestown and the town superintendent of highways of the Town of Whitestown, to grant permission to the petitioners to change the location of that portion of the track owned by the Utica, Clinton and Binghamton Railroad Company and operated by the Utica and Mohawk Valley Railway Company as lessee, from the northerly side of Main street to the center thereof for a distance from the Sauquoit Creek bridge, being the easterly limit of the village of Whitesboro, to Westmoreland street in said village; together with all necessary connections, switches, sidings, turnouts, turntables, crossovers, and all appliances and appurtenances; and

Whereas, The consent of the town superintendent of highways of the Town of Whitestown and of the town board of the Town of Whitestown for the said change in location as above described was given on July 13, 1910, certified copies of the consents from said Village and town boards and town superintendent being on file and made a part of the petition herein, now therefore, after due hearing and deliberation, it is

Ordered: That the consent of this Commission be and hereby is given to the petitioners, the Utica, Clinton and Binghamton Railroad Company and the Utica and Mohawk Valley Railway Company, to exercise the rights and privileges set forth in the above mentioned consents.

[Case No. 1803]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
Frank W. Stevens, Chairman,
James E. Sague,
John N. Carlisle,
Commissioners.

In the matter of the Application of Fonda, Johnstown and Gloversville Railroad Company for permission and approval of the Commission to the exercise of a franchise or municipal consent granted by the common council of the City of Amsterdam to said company for extensions of its railroad, and for authority to begin the construction of such extensions under section 53 of the Public Service Commissions Law.

Whereas, The petitioner herein, the Fonda, Johnstown and Gloversville Railroad Company, has presented its petition dated July 19, 1910, showing that it has received from the City of Amsterdam a franchise permitting it to build, construct, and operate a double-track street surface railroad in East Main street in the city of Amsterdam, more particularly hereinafter set forth; and also further permitting the petitioner to construct, operate, and maintain a single-track surface railroad in Edward, James, Jay, and other streets and avenues in the said city, which petition asks that the consent and approval of this Commission be given to the exercise of said franchise and that permission be granted to the petitioner to begin construction thereunder; and

Whereas, Upon a hearing held herein on the 3rd day of August, 1910, the petitioner, by its counsel, asks that the permission, approval, and consent of this Commission be now given to the exercise of that part of the franchise hereinbefore named which refers to the construction of the double track in East Main street, and requests that the remainder of the petition be held for a further hearing and consideration on the part of this Commission; and

Whereas, The mayor of Amsterdam has, by a communication signed by him and filed with the papers herein, expressed his approval of the said franchise and requested this Commission to issue its sanction and approval of the same; now therefore it is

Ordered: That the permission and approval of this Commission, under section 53 of the Public Service Commissions Law, be given to the Fonda, Johnstown and Gloversville Railroad Company, the petitioner herein, to exercise that part of a certain franchise and consent issued to it by the municipal authorities of the City of Amsterdam on the 25th day of July, 1910, and approved by the mayor of said City on the 6th day of July, 1910, which reads as follows: "Therefore be it resolved, that the consent of the common council of the City of Amsterdam be and the same hereby is granted to the Fonda, Johnstown and Gloversville Railroad Company, its successors and assigns, to construct, maintain, and operate a double-tracked street surface railroad, in, through, over, and upon the surface of East Main street from the westerly side of Market street, running thence easterly about 5700 feet to a point where such tracks will leave East Main street and enter upon the private right of way of said company upon lands formerly owned by one Ross; said tracks to connect at the westerly end of East Main street with the tracks of said company which now exist in West Main street and in Market street, and to connect at the easterly end thereof with the existing tracks of said company where the company's right of way touches East Main street upon lands formerly belonging to one Ross; together with the necessary crossovers connecting said tracks, and the necessary poles, wires, and appurtenances for the convenient operation thereof. Said tracks to occupy the center of the street as near as may be"; under the conditions and agreements in said franchise set forth, which said franchise is attached to the petition herein and marked "Exhibit No. 1," and that permission be given to the Fonda, Johnstown and Gloversville Railroad Company to begin construction of said street railroad in East Main street as hereinbefore set forth, under the terms of said franchise.

It is further Ordered: That the consideration of the remainder of said petition and the approval of the consents for construction on other streets named in said franchise be deferred for further hearing, consideration, and action on the part of this Commission.

[Case No. 1833]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the BLACK RIVER TRACTION COMPANY under section 53 of the Public Service Commissions Law for permission to extend its lines within the city of Watertown.

The Black River Traction Company having on August 11, 1910, filed with this Commission its petition under section 53 of the Public Service Commissions Law for permission and approval to extend its line out Pearl street, and to exercise the rights and privileges for the construction, operation, and maintenance of said line; now therefore, after due deliberation, it is

Ordered: 1. That the permission and approval of this Commission be and they are hereby given to the Black River Traction Company to extend its line of street surface railroad from its present terminus at the intersection of Pearl and Water streets in the city of Watertown, through and along

Pearl street, a distance of three thousand one hundred and fifty (3150) feet to a point opposite the plant of the Massey Machine Company; and that this Commission hereby determines, pursuant to section 98 of the Railroad Law, that the crossing of said proposed line of street surface railroad with a branch or siding maintained and operated by The New York Central and Hudson River Railroad Company crossing Pearl street in the said city of Watertown shall be at grade, the construction of said new line and the crossing above mentioned to be in accordance with plans and specifications filed with and made a part of the petition herein, all necessary expense incident thereto to be paid wholly by the Black River Traction Company.

Ordered: 2. That the permission and approval of this Commission be and they are hereby given to the Black River Traction Company to exercise the rights and privileges for the construction, operation, and maintenance of said line of electric street surface railroad granted by the common council of the City of Watertown on the 9th day of August, 1910, a copy of which is annexed to and made a part of the petition herein.

[Case No. 1824]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of August, 1910.

Present:
Frank W. Stevens, Chairman,
James E. Sague,
John N. Carlisle,
Commissioners.

In the matter of the Petition of The New York Central and Hudson River Railroad Company under section 53 of the Public Service Commissions Law as to construction of a switch track and exercise of franchise therefor in the town of Lockport, Niagara county.

After due hearing and deliberation it is

Ordered: That The New York Central and Hudson River Railroad Company be and it hereby is authorized, pursuant to section 53 of the Public Service Commissions Law, to exercise a franchise granted it by the town board of the Town of Lockport on the 18th day of August, 1910, to construct and maintain a single switch track across Park avenue and West avenue in the town of Lockport, said track to cross Park avenue about 774 feet west of the west side of Michigan street, and to cross West avenue about 752 feet west of the west side of Michigan street, and that permission be and hereby is given that said company may begin construction of said switch track; and it is further

Ordered: That said The New York Central and Hudson River Railroad Company be and it is hereby required to observe the following regulations in the operation of engines, cars, and trains across the said streets upon said track, as well as any and all other regulations and rules which may be from time to time hereafter prescribed by this Commission: 1, that the said company shall erect upon each side of said switch track in each of said avenues, at a reasonable distance therefrom, warning posts or danger signals which shall indicate the presence of a railroad crossing, warning those passing along said highways of the danger therefrom; 2, that the said company shall not operate any engine, car, or train over said crossing at a greater rate of speed than six miles per hour; 3, that no car or train shall be backed over the said crossing without having a brakeman upon the forward end of the train so backing, in such a situation as to be able to give a signal to the engineman and also warning to the public if occasion so requires; 4, that no car, train, or engine shall be stopped within the limits of either of said highways at any time so as to obstruct traffic thereof.

[Case No. 1804]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the FONDA, JOHNSTOWN AND GLOVERSVILLE RAILWAY COMPANY to exercise a franchise for a certain crossing in Amsterdam, and to determine the manner of crossing the tracks of the Amsterdam, Chuctanunda and Northern Railroad Company and The New York Central and Hudson River Railroad Company.

Whereas, At a hearing held September 12, 1910, in the above entitled matter, it appeared that the applicant desires to change its proposed route, and that by reason thereof a new municipal consent, and additional consents from property owners, must be obtained.

Ordered: That the present application filed in this case for authority to exercise the franchise already granted be and the same hereby is considered as closed upon the records of this Commission, it being the intention of the applicant to substitute therefor a new application.

[Case No. 1822]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the AUBURN AND SYRACUSE ELECTRIC RAILROAD COMPANY for approval of franchises.

After due hearing and deliberation it is

Ordered: That pursuant to the provisions of section 53 of the Public Service Commissions Law this Commission hereby approves the following franchises granted by the City of Auburn to the Auburn and Syracuse Electric Railroad Company, and hereby authorizes said railroad company to begin the construction of the extensions to its tracks provided for in said franchises: First, a franchise to double track East Genesee street eastwardly from the present terminus of the tracks of said company at or near the intersection of Seward avenue with said Genesee street to the east corporation line of the city of Auburn; second, a franchise to double track East Genesee street between the easterly end of the present double track, being a point about 166 feet west of Fulton street, and the intersection of East Genesee street and Seaward avenue. Copies of said franchises are annexed to the petition filed by said company with this Commission on the 19th day of August, 1910, and are set forth in detail in said petition in schedules "A" and "B."

[Case No. 1702]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of the New York, Westchester and Boston Railway Company under section 53 of the Public Service Commissions Law for permission to exercise the rights and privileges granted by certain franchises.

Whereas, The petition in the above entitled matter shows that the petitioner is a railroad corporation organized and existing under and by virtue of the laws of the State of New York, and formed by the consolidation of the New York, Westchester and Boston Railway Company and the New York and Port Chester Railroad Company, pursuant to section 148 of the Railroad Law; and

Whereas, The following rights and franchises, certified copies of which are annexed to and made a part of the petition herein, to construct, maintain, and operate a railroad have been granted to the said consolidated corporation or to either one or the other of said consolidating corporations; now therefore, after due hearing and deliberation, it is

Ordered: That the New York, Westchester and Boston Railway Company be and it hereby is permitted to exercise the said rights and franchises hereinafter set forth:

(*a*) Franchise to construct, maintain, and operate the railroad of New York, Westchester and Boston Railway Company within the city of Mount Vernon across the streets and avenues in said city, being an ordinance and resolution of the common council of the said City of Mount Vernon adopted September 1, 1905, and duly approved by the mayor of the said City, as amended by ordinance and resolution of the common council of the said City of Mount Vernon adopted August 3, 1909, and approved by the mayor August 6, 1909.

(*b*) Franchise to construct, maintain, and operate its railroad across the streets in said city, from the City of New Rochelle, to New York and Port Chester Railroad Company, being an ordinance of the common council of the City of New Rochelle adopted May 28, 1902, approved by the mayor, as amended and supplemented by resolution of the common council of said City as adopted July 2, 1907, and approved by the mayor.

(*c*) Franchise of New York and Port Chester Railroad Company to maintain an underground conduit system in the city of New Rochelle, being an ordinance of the common council of the City of New Rochelle adopted at a meeting held December 30, 1907.

(*a*) Order of the Supreme Court of the State of New York, County of Westchester, dated April 2, 1910, filed in the office of the county clerk of Westchester county on the 4th day of April, 1910, granting to New York, Westchester and Boston Railway Company the right to construct, maintain, and operate its railroad across certain streets, avenues, and highways in the village of North Pelham.

(*e*) Order of the Supreme Court of the State of New York held in and for the county of Westchester, dated December 22, 1909, filed in the office of the county clerk of Westchester county on the 27th day of December, 1909, granting to New York, Westchester and Boston Railway Company the right to construct, maintain, and operate its railroad across certain streets, avenues, and highways in the town of Eastchester, town of Scarsdale, town of White Plains, and village of White Plains.

(*f*) Franchise from the City of New Rochelle to New York, Westchester and Boston Railway Company, to construct, maintain, and operate its railroad across certain streets and avenues in the said city on the White Plains branch of said railroad, being an ordinance of the common council of said City of New Rochelle adopted March 15, 1910, and approved by the mayor on the 19th day of March, 1910.

[Case No. 1806]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE LEHIGH VALLEY RAIL WAY COMPANY for the permission and approval of the Public Service Commission for the construction of a switch or siding in the village of Honeoye Falls, N. Y.

The Lehigh Valley Rail Way Company having presented to the Commission its petition dated August 2, 1910, praying for the permission and approval of this Commission for the construction of a switch or siding from the main line of the Honeoye Falls branch of its railroad in the village of Honeoye Falls, and along the route shown on the map annexed to the petition and marked Exhibit "A," and in, along, and across Main street in said village of Honeoye Falls according to the location thereof as shown upon said map; and a hearing upon said petition having been had, whereat it was shown that due application for permission to construct said switch has been made to the Supreme Court of the State of New York, and that at a special term of said Court held in and for the County of Monroe on the 23rd day of May, 1910, an order was granted directing that The Lehigh Valley Rail Way Company "be and it is hereby authorized and permitted to construct a switch or siding upon and across the surface of Main street in the village of Honeoye Falls, New York, as prayed for in the petition"; and no opposition having been made to granting the prayer of the petition herein, it is

Ordered: That this Commission hereby permits and approves the construction of said switch or siding from the main line of the Honeoye Falls branch of the Lehigh Valley railway in, along, and across Main street in said village of Honeoye Falls according to the location thereof as laid down in a map attached to the petition herein and marked Exhibit "A," and that the said switch or siding is hereby allowed to cross said Main street at grade, under the following conditions and restrictions, namely:

1. That the crossing is to be built and maintained in all particulars to conform to the laws of the State of New York, and to be planked and put in a safe condition both for vehicles and pedestrians.

2. That The Lehigh Valley Rail Way Company provide ample facilities for the public to load and unload cars at the switch, and that public team tracks be opened for the convenience of the public desiring to make use of said switch, and that ample and convenient facilities be afforded to all shippers who desire to make use of the same.

3. That The Lehigh Valley Rail Way Company shall allow any electric or other railroad desiring to cross this switch within the limits of the highway to do so without hindrance, subject at all times to the supervision and control of the Public Service Commission.

4. That The Lehigh Valley Rail Way Company shall allow any telephone or telegraph company, or the Village of Honeoye Falls, to place sewer and water mains and maintain their wires and water mains and sewer either over or under the switch, and the employees of said telephone or telegraph company or the Village of Honeoye Falls are to have the right to make alterations or repairs without hindrance. This provision to apply to that portion of the said switch only which is located in and upon the highway known as Main street.

5. The Lehigh Valley Rail Way Company is to remove the said switch from Main street within sixty days from date of notice delivered to their local agent whenever ordered to do so by the village trustees, provided said switch is not in actual operation for a period of six months prior to said notice; and in case of removal The Lehigh Valley Rail Way Company is to replace the street in as good condition as it now is and to restore it to its present condition of usefulness for purposes of travel.

6. At all times when there are cars or engines crossing said street there shall be a flagman stationed at the crossing, and at night he shall make use of a suitable lantern and give proper warning to all approaching vehicles and pedestrians before either a car or engine crosses Main street.

7. In operating engines and cars on the switch, The Lehigh Valley Rail Way Company is to make no unnecessary noise, nor is it to allow cars or engines to stop on the highway, nor to leave a car so that any part of it shall be standing in or projecting into the street.

8. That the said switch shall not be extended beyond the limits shown in the map hereinbefore referred to and marked Exhibit "A" without further application to and permission given by the Public Service Commission, nor shall it be used for any other purpose than hauling freight without the permission of the Public Service Commission to be made upon a further petition to be presented and order made thereon, if the granting of the same shall be deemed advisable.

9. That The Lehigh Valley Rail Way Company shall place and maintain a derailing switch at a suitable distance on the west side of Main street.

10. That The Lehigh Valley Rail Way Company shall protect and preserve the Village of Honeoye Falls harmless from any and all claims for damages to personal property that may be suffered by any person, firm, or corporation on account of the construction, maintenance, or operation of said switch, or any engine or car thereon, whether the same belongs to said company or not, and shall defend at its own cost any expense to which the said Village may be put in any litigation arising out of any such claim.

11. That on failure on the part of said The Lehigh Valley Rail Way Company to observe each and every of the conditions above noted, the village trustees may order such switch removed from Main street; and if The Lehigh Valley Rail Way Company fail to remove it within sixty days and put the street in proper condition, the trustees of the Village may cause said switch to be removed and said street to be placed in proper condition at the cost and expense of said company, which said cost and expense the said company by acceptance of this order assumes to pay; but any action taken under this section shall be subject to the approval and consent of this Commission.

12. That all expenses of construction and maintenance of said switch and of compliance with the conditions hereinbefore named shall be paid by The Lehigh Valley Rail Way Company.

It is further Ordered: That The Lehigh Valley Rail Way Company shall notify this Commission on or before the 1st day of November, 1910, whether the terms of this order are accepted and will be obeyed.

[Case No. 449]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the CITY OF AUBURN *against* AUBURN AND SYRACUSE ELECTRIC RAILROAD COMPANY and AUBURN AND NORTHERN ELECTRIC RAILROAD COMPANY.

An order having been heretofore made in the above entitled proceeding requiring the railroad companies above mentioned to double track State street from the intersection of Genesee street northerly, and a rehearing having been ordered in said case; and upon the rehearing it appearing that the City of Auburn has granted new franchises to the said railroad companies for double tracking State street practically the distance ordered by the Commission; and it further appearing that in the operating of the cars of said railroad companies said companies did not operate cars southerly on State street from Dill street to Genesee street, but operated said cars around the loop through Dill street to Genesee street and northerly through State street;

Ordered: That the order of this Commission heretofore made herein on the 31st day of January, 1910, be and the same is hereby rescinded, upon the condition that said railroad companies construct the double track upon State street as provided in the franchises granted by the City of Auburn; and upon the further condition that they operate all said cars southerly on State street around the loop hereinabove mentioned.

[Case No. 1822]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the AUBURN AND SYRACUSE ELECTRIC RAILROAD COMPANY for approval of franchise.

Ordered: Pursuant to the provisions of section 53 of the Public Service Commissions Law, this Commission hereby approves the following franchise granted by the City of Auburn to the Auburn and Syracuse Electric Railroad Company, and hereby authorizes said railroad company to begin construction of the extension of its tracks and switches provided for in said franchise as follows: "To extend and operate its switch in State street now lying between Dill street and the bridge over the Owasco river, southerly for a distance of not to exceed one hundred and fifty feet; to extend and operate the present switch in its tracks in State street, now near Seymour street, southwardly to a point approximately fifty feet north of the crossing of The New York Central and Hudson River Railroad Company's tracks in

State street; and further to extend and operate said switch northwardly to the junction of State and Seymour streets, and to a point to connect with the Auburn and Northern Electric Railroad Company's tracks in State street; and further to extend and operate said switch into Seymour street to a point approximately three hundred feet west of State street; and to lay, install, and maintain and operate such additional track in said streets as may be necessary to accomplish such extensions, upon and subject to all the conditions and restrictions contained in the franchise or franchises now in force (as the same may be modified hereby) as fully and with the same force and effect in all things as if written in full herein." Copy of said franchise was filed with this Commission on the 19th day of August, 1910, and is set forth in Exhibit "C" annexed to the petition of the said Auburn and Syracuse Electric Railroad Company.

[Case No. 1823]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
Frank W. Stevens, Chairman,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of the Auburn and Northern Electric Railroad Company for approval of franchise.

Ordered: Pursuant to the provisions of section 53 of the Public Service Commissions Law, this Commission hereby approves the following franchise granted by the City of Auburn to the Auburn and Northern Electric Railroad Company, and hereby authorizes said railroad company to begin construction of the extension of its tracks provided for in said franchise as follows: "A franchise to re-locate and relay the tracks of the Auburn and Northern Electric railroad in State street in the city of Auburn from the junction of State and Seymour streets northerly for a distance of approximately 500 feet and to lay, install and maintain an additional track in said street and to make necessary connections and crossovers between such points and to install an additional switch on State street between Grant street and York street at a point approximately opposite the premises known as No. 259 State street"; a copy of said franchise having been filed with this Commission on the 19th day of August, 1910, and being set forth as Exhibit "A" annexed to the petition of the said Auburn and Northern Electric Railroad Company.

[Case No. 2013]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the ELMIRA WATER, LIGHT AND RAILROAD COMPANY under section 53 of the Public Service Commissions Law for permission to build an extension of its electric street surface railroad in Pennsylvania avenue in the city of Elmira and town of Southport, Chemung county, N. Y.

After due deliberation it is

Ordered: That the Elmira Water, Light and Railroad Company be and it hereby is permitted to build, construct, and operate an extension to its present line of street surface electric railroad in the city of Elmira as follows: through, in, along, and upon Pennsylvania avenue in said city of Elmira from the intersection of said Pennsylvania avenue by West Miller street southerly to the southerly exterior boundary line of said city of Elmira, being a distance of about 2600 feet in said city; thence continuing along said Pennsylvania avenue southerly in the town of Southport, Chemung county, N. Y., to a line at right angles to and across said Pennsylvania avenue 100 feet southerly from the south bounds of Caton avenue where said Caton avenue joins said Pennsylvania avenue, being a distance of about 1850 feet in said town of Southport and a total distance in both said city and said town of 4450 feet; and that the said Elmira Water, Light and Railroad Company be and it hereby is permitted to exercise the rights and privileges for such construction, maintenance, and operation conferred upon it by a franchise granted by the common council of the City of Elmira on the 17th day of October, 1910, a certified copy of which is annexed to and made a part of the petition herein and marked Schedule C; and by a franchise granted by the town board and town superintendent of highways of the Town of Southport on the 20th day of August, 1910, a certified copy of which is annexed to and made a part of the petition herein and marked Schedule D.

[Case No. 995]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the GENEVA, WATERLOO, SENECA FALLS AND CAYUGA LAKE TRACTION COMPANY under section 53 of the Public Service Commissions Law for permission to construct an extension of its railroad in the city of Geneva, and for approval of a franchise.

Whereas, It appears by a letter from Messrs. Culver & Whittlesey, attorneys for the applicant in the above entitled matter, dated August 13, 1909, and received by this Commission August 14, 1909, that a certain franchise granted by the common council of the City of Geneva for the construction of a track of applicant in Washington street in said city required the approval of the board of public works of the municipality; and no further information having been received in regard thereto, it is

Ordered: That the matter be and it hereby is closed upon the records of this Commission.

[Case No. 1752]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the BOARD OF TRUSTEES OF THE VILLAGE OF SOLVAY for an order requiring the Syracuse Rapid Transit Railway Company to extend its double tracks from Bridge street in said village to the present westerly terminus of said street railway company.

Whereas, At a public hearing held in the above entitled matter in the city of Syracuse, New York, on the 9th day of December, 1910, the Syracuse Rapid Transit Railway Company agreed to construct within one and one-half years the extension of its line provided for in its franchise and as now demanded by the Board of Trustees of the Village of Solvay,

Ordered: That the case be and it hereby is closed upon the records of the Commission, with the right to the applicant to apply to this Commission for further relief prior to the expiration of such period of one and one-half years, alleging lack of diligence in the work of construction.

APPENDIX C

In the Matter of Transfer of Franchise, Sale of Stock, or Consolidation of Railroad Corporations.

APPENDIX C

[Case No. 1489]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Proposed Lease of the NEW YORK AND OTTAWA RAILWAY to THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the term of one year, commencing February 1, 1910.

After due deliberation it is

Ordered: That the proposed lease of the New York and Ottawa railway to The New York Central and Hudson River Railroad Company for the term of one year, commencing February 1, 1910, said lease being fully set forth in the petition of the said The New York Central and Hudson River Railroad Company and of the New York and Ottawa Railway Company verified the 26th day of January, 1910, asking the approval thereof by this Commission, be and the same is hereby approved, and that an order be entered accordingly.

[Case No. 1438]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the SCHENECTADY RAILWAY COMPANY and the UNITED TRACTION COMPANY for the approval of the assignment of franchises from the former to the latter, for the construction and maintenance of the railroad on Central avenue between Watervliet avenue and the western boundary line of the city of Albany, and railroad thereon.

After due hearing and deliberation it is

Ordered: That the Schenectady Railway Company, a domestic street surface railroad corporation having its principal office in the city of Schenectady, N. Y., be and it hereby is permitted, as party of the first part, to sell,

transfer, and assign to the United Traction Company, a like railroad corporation having its principal office in the city of Albany, N. Y., as party of the second part, all its right, title, and interest to and in a certain franchise granted to the said party of the first part by the common council of the City of Albany, and embodied in an ordinance of the City of Albany passed March 4, 1901, and an amendment thereto passed April 1, 1901, copies of which are annexed to and made a part of the petition herein; which said franchise authorizes the Schenectady Railway Company to construct, maintain, and operate an electric railroad for public use through and along Central avenue in the city of Albany, N. Y., from a point at the intersection of Watervliet avenue and Central avenue to the western boundary line of the city of Albany where the same crosses Central avenue, such sale, transfer, and assignment to be in accordance with the terms and conditions of a certain agreement entered into by and between the aforesaid companies dated the 30th day of November, 1908, a copy of which is annexed to and made a part of the petition herein; and it is further

Ordered: That the Schenectady Railway Company be and it hereby is permitted to sell, transfer, and assign to the United Traction Company all its right, title, and interest to and in the railroad of the Schenectady Railway Company, and all fixtures, structures, sidetracks, and appliances now owned and operated by the Schenectady Railway Company in and over the streets and highways of said city of Albany as hereinbefore set forth, such sale, transfer, and assignment to be in accordance with the terms and conditions of the aforesaid contract; that said contract be and the same hereby is approved.

[Case No. 1442]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the SCHENECTADY RAILWAY COMPANY and the UNITED TRACTION COMPANY for the approval of a lease dated November 30, 1908, from the former to the latter, of a franchise and railroad in the city of Watervliet.

After due hearing and deliberation it is

Ordered: That the Schenectady Railway Company, a domestic street surface railroad corporation having its principal office in the city of Schenectady, N. Y., be and it hereby is permitted to lease to the United Traction Company, a like street railroad corporation having its principal office in the city of Albany, N. Y., a certain franchise granted to the said Schenectady Railway Company by the common council of the City of Watervliet, and embodied in an ordinance of the City of Watervliet passed April 16, 1902, and amendments thereto passed April 30, 1902, and June 25, 1902, respectively, copies of which are annexed to and made a part of the petition herein; which said franchise authorized the Schenectady Railway Company to lay tracks, erect poles and wires, and to operate an electric street railroad in and over Nineteenth street, Sixth avenue, and Twenty-fifth street, said lease to be in accordance with the terms and conditions of a certain contract or lease agreement entered into by and between the aforesaid companies on the 30th day of November, 1908, a copy of which is annexed to and made a part of the petition herein; and it is further

Ordered: That the Schenectady Railway Company be and it hereby is permitted to lease to the United Traction Company all its right, title, and interest to and in the railroad of the Schenectady Railway Company, and all fixtures, structures, sidetracks, and appliances now owned and operated by the Schenectady Railway Company in and over the streets and highways of the city of Watervliet, such lease to be in accordance with the terms and condition of the contract or lease agreement hereinbefore mentioned; that such contract or lease agreement be and the same hereby is approved.

[Case No. 1444]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of June, 1910.

Present:
FRANK W. STEVENS, Chairman.
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

Joint Petition of the UNITED TRACTION COMPANY and SCHENECTADY RAILWAY COMPANY under section 54 of the Public Service Commissions Law for approval of an agreement permitting the Schenectady passenger cars to operate on the traction tracks in Albany, and in Watervliet, Green Island, and Troy.

After due hearing and deliberation it is

Ordered: That the traffic agreement dated November 30, 1908, entered into by and between the United Traction Company, a domestic street surface railroad corporation having its principal office in the city of Albany, N. Y., and the Schenectady Railway Company, a like street surface railroad corporation having its principal office in the city of Schenectady, N. Y., in relation to the use of the tracks of the United Traction Company by the Schenectady Railway Company in the cities of Albany, Watervliet, and Troy, and in the village of Green Island, which said traffic agreement provides that the Schenectady Railway Company may operate its passenger cars over the tracks owned by the United Traction Company in the city of Albany solely as agent of the United Traction Company, and not otherwise, as more particularly set forth and described in the said agreement, a copy of which is annexed to and made a part of the petition herein; and which further provides that the said Schenectady Railway Company as such agent, and not otherwise, may operate its passenger cars over the tracks owned and leased by the United Traction Company in the cities of Watervliet and Troy, and in the village of Green Island, as more fully set forth and described in said agreement hereinbefore mentioned, be and the same hereby is approved.

[Case No. 1598]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of June, 1910.

Present:
FRANK W. STEVENS, Chairman.
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the POUGHKEEPSIE CITY AND WAPPINGERS FALLS ELECTRIC RAILWAY COMPANY, under section 54 of the Public Service Commissions Law, for approval of an agreement between said company and the Central New England Railway Company.

After due deliberation it is

Ordered: That the agreement made and entered into on the 16th day of February, 1910, by and between the Central New England Railway Company, a steam railroad corporation organized and existing under and by virtue of the laws of the State of New York, and the Poughkeepsie City and Wappingers Falls Electric Railway Company, a street surface railroad corporation organized and existing under and by virtue of the laws of the State of New York, and having its principal office in the city of Poughkeepsie, Dutchess county, N. Y., which said agreement provides for the establishment, maintenance, and operation of a passenger service over and upon the Hospital Branch of the Central New England Railway Company, extending from the freight station formerly operated by the Poughkeepsie and Eastern Railroad Company, to the Hudson River State Hospital, and from a point near said hospital to its junction with The New York Central and Hudson River Railroad Company's main line in the city of Poughkeepsie, said service to be furnished by the Poughkeepsie City and Wappingers Falls Electric Railway Company by means of cars propelled by electric power, and to be substituted for and inaugurated in the place of that now furnished by the Central New England Railway Company upon its said Hospital Branch by means of steam power, and setting forth in reasonable detail the terms and conditions upon which such substituted service shall be inaugurated, supplied, and maintained, a copy of which is on file with and made a part of the application herein, be and the same is hereby approved.

[Case No. 1690]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of June, 1910.

FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for authority to guarantee bonds of the Boston and Albany Railroad Company to the amount of $2,000,000.

After due deliberation it is

Ordered: That The New York Central and Hudson River Railroad Company be and it is hereby authorized to guarantee the payment of the principal and interest of the bonds of the Boston and Albany Railroad Company to the amount of $2,000,000, the issue of which has been authorized by this Commission by order of this date, and also authorized by an order of the Board of Railroad Commissioners of the Commonwealth of Massachusetts made May 11, 1910, such guarantee being made pursuant to an agreement contained in a lease of the railroad of the Boston and Albany Railroad Company to the said The New York Central and Hudson River Railroad Company. That in the opinion of the Commission the capital to be secured by said guarantee is reasonably required for the purposes of the corporation as set forth in the applications of the Boston and Albany Railroad Company and The New York Central and Hudson River Railroad Company filed with this Commission.

[Case No. 1852]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE DELAWARE AND HUDSON COMPANY under section 54 of the Public Service Commissions Law for authorization that the said company acquire 500 shares of the capital stock of the Greenwich and Johnsonville Railway Company, being the only shares of such stock not already owned by said The Delaware and Hudson Company.

It appearing from the petition in this matter that the petitioner acquired, prior to the taking effect of the Public Service Commissions Law, and now owns 1750 shares of the common capital stock of the Greenwich and Johnsonville Railway Company; that said stock was purchased by the petitioner for the sum of $175,000 and at the rate of $100 per share, and that it now desires to acquire the remainder of the outstanding capital stock of the said Greenwich and Johnsonville Railway Company amounting to 500 shares and to pay therefor not to exceed the sum of $50,000, or at the rate of $100

per share; and no reason appearing to the Commission why the said remainder of stock of the Greenwich and Johnsonville Railway Company should not be acquired by petitioner,

Ordered: That the petitioner, The Delaware and Hudson Company, be and is hereby authorized to purchase for a sum not exceeding $50,000 the said 500 shares of the common capital stock of the Greenwich and Johnsonville Railway Company.

[Case No. 1870]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition of THE HORNELLSVILLE ELECTRIC RAILWAY COMPANY, THE HORNELLSVILLE AND CANISTEO RAILWAY COMPANY, and the CANISTEO VALLEY ELECTRIC RAILWAY COMPANY, under sections 54 and 55 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That the joint agreement made on the 17th day of September, 1909, by and between the directors of The Hornellsville Electric Railway Company, party of the first part, and the directors of The Hornellsville and Canisteo Railway Company, party of the second part, and the directors of the Canisteo Valley Electric Railway Company, party of the third part, under the corporate seals of said companies, a copy of which is annexed to and made a part of the petition herein; and which said joint agreement consolidates said railway companies into one company to be known as the Hornell Traction Company, pursuant to section 140 of article 4 of the Railroad Law, be and the same is hereby approved by this Commission, in accordance with section 54 of the Public Service Commissions Law; and it is further

Ordered: That said companies, the petitioners herein, be and they hereby are directed to surrender all of their now outstanding capital stock, and that the consent of this Commission be and it hereby is given to the consolidated company, the Hornell Traction Company, to issue an amount of common capital stock equal to the amount of stock of said petitioners: to wit, one hundred twenty thousand dollars ($120,000), being twelve hundred (1200) shares of the par value of one hundred dollars ($100) each.

[Case No. 1782]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE DUNKIRK, ALLEGHENY VALLEY AND PITTSBURGH RAILROAD COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for leave to modify a certain lease dated January 3, 1873.

After due hearing and deliberation it is

Ordered: That the consent of this Commission be and the same is hereby given that The Dunkirk, Allegheny Valley and Pittsburgh Railroad Company and The New York Central and Hudson River Railroad Company may modify the terms of a certain lease of the railroad of The Dunkirk, Allegheny Valley and Pittsburgh Railroad Company to the said The New York Central and Hudson River Railroad Company, which lease is dated January 3, 1873, and the term whereof expires on December 1, 2373, a copy of which lease is annexed to the petition for this consent and marked Schedule A, in the following manner: The New York Central and Hudson River Railroad Company may in said modified lease agree to pay as rental from and after August 1, 1910, in addition to 1½ per cent per annum on $1,300,000 of the stock of the lessor, the interest upon such bonds as may from time to time, at the request of the said The New York Central and Hudson River Railroad Company be issued by the lessor company to refund its bonded indebtedness, and for other corporate purposes; and said lease may be modified in such other particulars as are set forth in the proposed agreement between the companies annexed to the petition for this consent and marked Schedule B. That the said corporations may enter into the agreement so as aforesaid marked Schedule B, as a modification of the lease aforesaid dated January 3, 1873.

[Case No. 1841]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, pursuant to section 54 of the Public Service Commissions Law, for consent and authority to acquire, take, and hold the capital stock of The Hoosick Falls Railroad Company.

After due hearing and deliberation it is

Ordered: That The New York, New Haven and Hartford Railroad Company be and the same is hereby, pursuant to section 54 of the Public Service

Commissions Law, authorized to acquire, take, and hold the capital stock of The Hoosick Falls Railroad Company to the amount of $100,000 par value, consisting of one thousand shares of the par value of $100 each, being the stock authorized by this Commission to be issued by the said The Hoosick Falls Railroad Company for the acquisition of part of the property of the Bennington and North Adams Street Railway Company purchased by Charles L. Livingston on the 12th day of May, 1910, it appearing that the said The New York, New Haven and Hartford Railroad Company was the owner of the stock and of all the bonds of the said Bennington and North Adams Street Railway Company upon the foreclosure of which the said sale was had.

APPENDIX D

In the Matter of Issue of Stocks, Bonds, and Other Evidences of Indebtedness by Railroad Corporations.

APPENDIX D

[Case No. 1080]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of THE LONG ISLAND RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue debentures not to exceed in amount $16,500,000.

After due deliberation it is

Ordered: That the two forms of debenture submitted by The Long Island Railroad Company pursuant to the order of this Commission dated November 18, 1909, verified by the affidavit of the secretary of said company the 3rd day of January, 1910, be and the same are hereby approved.

[Case No. 1276]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the PORT JERVIS TRACTION COMPANY (1) for a certificate of public convenience and a necessity under section 59 of the Railroad Law; (2) for consent under subdivision 10, section 4, Railroad Law, to issue a mortgage; (3) under section 55 of the Public Service Commissions Law for authority to issue bonds to be secured by said mortgage; (4) for authority to issue common capital stock.

This matter having been duly heard and submitted for consideration, it is

Ordered: That the form of mortgage submitted by the applicant, Port Jervis Traction Company, in the above entitled proceeding, to be executed by

said applicant to the Orange County Trust Company as trustee, the bonds provided for therein to bear 5 per cent interest annually, payable semi-annually, and to become due and payable fifty years from the date of said mortgage, be and is hereby approved, provided that the amount of money to be secured by said mortgage and the aggregate amount of bonds provided for therein and to be issued from time to time as may be authorized by this Commission shall be not less than $100,000.

It is further Ordered: That in the opinion of the Commission an issue of capital stock and an issue of bonds under said mortgage are reasonably required for the lawful purposes of said applicant, Port Jervis Traction Company, and are hereby authorized as follows, to wit:

1. An issue of capital stock to the amount of twenty thousand dollars ($20,000), the same or the proceeds thereof upon sale at par value to be used for the acquisition of the street railroad property heretofore owned by the Port Jervis Electric Light, Power, Gas and Railroad Company in the city of Port Jervis, the title to which is now under sale on foreclosure in a committee of bondholders representing the ownership of bonds of said last named company, and to which said last named company the applicant herein will be the successor in ownership and operation.

2. An issue of bonds under said mortgage amounting to seventy thousand dollars ($70,000), bearing 5 per cent interest annually, maturing fifty years from the date of said mortgage, the said bonds to be sold at not less than 90 per cent of the par value thereof; provided that the proceeds from the sale of such bonds shall be devoted to the improvements and additions to the said street railroad property which are specified in the schedule thereof annexed to the petition herein and for no other purpose whatsoever; provided further that any balance of said proceeds from the sale of said bonds not required for the said improvements and additions to said street railroad property as specified in said schedule shall be used by the applicant as and for working capital and so charged upon its records and accounts.

It is further Ordered: That in case the said applicant, Port Jervis Traction Company, shall determine within sixty days from the date of this order to file a declaration of abandonment of its Kingston Avenue Extension, together with a petition praying for approval thereof, and shall also determine to file a petition for leave to extend its line from Port Jervis to Sparrowbush, then and in such case the proceeds from the sale of said bonds herein confined to improvements and additions to its railroad property shall be devoted to the improvements and additions to its main line according to the schedule annexed to the petition herein, pending determination of such proceedings for abandonment and extension, the remainder of said proceeds to be retained in its treasury to await the determination of the Commission as to the abandonment and extension proceedings and the further order of the Commission as to the application of the remainder of the proceeds of said bonds.

It is further Ordered: That the said applicant, Port Jervis Traction Company, shall make a verified report at least once every six months, showing in detail the use and application by it of the moneys so realized, until such moneys shall have been fully expended.

[Case No. 1430]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of January, 1910.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

In the matter of the Petition of The New York Central and Hudson River Railroad Company as to exchanging 4 per cent debentures of 1934 for preferred capital stock of the Geneva, Corning and Southern Railroad Company.

Whereas, This Commission did by order dated the 20th day of April, 1908, authorize The New York Central and Hudson River Railroad Company to issue its 4 per cent debenture bonds of 1934 to the amount of $20,000,000, the proceeds thereof to the amount of $7,120,000 to be used for the payment of certain indebtedness, and the balance of such proceeds to be used for extensions, additions, and permanent improvements to its property; and

Whereas, Upon further application by said company it appears that there have been sold of said authorized issue bonds to the amount of $13,000,000, leaving unsold bonds to the amount of $7,000,000, and that the said company is desirous of exchanging bonds so authorized and unissued to the amount of $5,000,000 in exchange par for par of an equal amount of the preferred capital stock of the Geneva, Corning and Southern Railroad Company; and

Whereas, In the opinion of the Commission the use of the capital to be secured by the issue of said bonds to the amount of $5,000,000 is reasonably required for the acquisition of property: to wit, the preferred capital stock of the Geneva, Corning and Southern Railroad Company to the amount par value of $5,000,000, a 4 per cent annual dividend upon said stock being guaranteed by the terms of a lease of the road of the said Geneva, Corning and Southern Railroad Company to the said The New York Central and Hudson River Railroad Company; it is

Ordered: 1. That the said The New York Central and Hudson River Railroad Company be and it is hereby authorized to issue of the 4 per cent debenture bonds of 1934 authorized by said order of April 20, 1908, bonds to the amount of $5,000,000 in exchange for the entire preferred stock amounting to $5,000,000 of the Geneva, Corning and Southern Railroad Company, and that the said order of April 20, 1908, be and the same is hereby modified accordingly in that said bonds to the amount of $5,000,000 par value may be used for said purpose instead of the purposes specified in said order.

Ordered: 2. That upon the completion of said exchange The New York Central and Hudson River Railroad Company shall make a verified report to this Commission of the facts in relation thereto, in accordance with the terms of this order.

[Case No. 1081]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Application of the ROCKLAND RAILROAD COMPANY for permission to issue securities, etc., under the provisions of section 55 of the Public Service Commissions Law.

Whereas, The petitioner has since the first hearing herein filed its amended petition verified November 15, 1909, asking that permission be granted it to mortgage its property in the sum of $3,000,000, of which $2,350,000 is to be presently issued, and to increase its capital stock to the sum of $1,500,000 in the form of common stock, of which $1,050,000 is to be presently issued; and a hearing on the original and amended petition having been had,

Ordered: 1. That the petitioner be authorized to increase its capital stock from $100,000, its present amount, to the sum of $1,500,000, to be issued in the form of 15,000 shares of $100 each of common stock.

Ordered: 2. That the petitioner be authorized to execute and deliver to a trust company to be named therein a mortgage upon all its property, in a form to be hereafter submitted to and filed with this Commission, and approved by it (which approval is to be the subject of a supplemental order), for the sum of $3,000,000, securing an issue of gold bonds to the amount in the aggregate of $3,000,000, payable fifty years from date, with interest at the rate of 5 per cent per annum, payable semiannually, in denominations of $500 or $1000, or both, redeemable in whole or in part by number, lot, or otherwise at the company's option, on or at any time after twenty-five years from date of the mortgage securing the same, at par plus 7 per cent premium, together with all interest due at date of redemption.

Ordered: 3. That the petitioner be authorized and empowered to issue at the present time $1,050,000 only, par value of said stock, the proceeds of the same to be used for the purposes hereinafter detailed and no other.

Ordered: 4. That the petitioner be authorized and empowered to issue of the bonds secured by the mortgage hereinbefore described $2,350,000 par value thereof, and no more, to be sold at not less than 85 per cent of the par value thereof plus accrued interest, and that no further discount for brokerage charges, commissions, or charges of any kind shall be allowed; the proceeds of said bonds to be used for the purposes hereinafter detailed and no other.

Ordered: 5. That the petitioner be authorized and empowered to issue $415,700 par value of said stock in payment for all services and expenses of every name and kind rendered and to be rendered to the petitioner by any person or corporation in the nature of organization expenses or services, or in the nature of legal services or expenses, or of engineering services or expenses; it being the intention of this order that all services and expenses of the organizers and promoters of the enterprise of building the railroad, and the services and expenses of attorneys and engineers in connection therewith, from the inception of the enterprise until the said road is fully constructed and put into operation, shall be paid for in common stock of the company in accordance with the agreement of the petitioner made upon the hearing herein, and that the amount of stock allotted therefor shall not exceed the sum of $415,700.

Ordered: 6. The proceeds of the balance of the issue of stock hereby authorized, to wit $634,300 par value, and of the said issue of $2,350,000 par value of said bonds, shall be used for the purpose of constructing and equip-

ping the railroad of the petitioner, including power plant, etc, in the State of New York, substantially as detailed in the estimate of the petitioner furnished to the Commission on the hearing herein, being the report made by W. H. Coverdale, the engineer of the petitioner, and filed in the application of the Rockland Railroad Company for a certificate of public convenience and a necessity (Case 856), and referred to on pages 15, 16, and 17 of the minutes of the hearing of September 9, 1909, herein, and for no other purpose. The items to be covered by the issue of bonds and stock in this section specified, aggregating $2,984,300, are substantially as follows (*see* page 66 of report hereinbefore referred to): total estimated cost, physical construction, $2,338,756; contingent item 5 per cent, $116,938; interest on bonds during construction period, $116,938; working capital, $59,168; discount on bonds sold at 85, $352,500: total $2,984,300.

Ordered: 7. That the capital to be secured by the issuance of said bonds and stock is in the opinion of this Commission reasonably required for the said purposes of the petitioner.

Ordered: 8. That the remainder of said series of $3,000,000 bonds and said issue of $1,500,000 stock be not issued without further application to and order of this Commission.

Ordered: 9. That said company shall make verified reports to this Commission as follows: (*a*) upon the issuance of the $415,700 par value in capital stock mentioned in this order in payment for services and expenses, the facts in detail in relation thereto; (*b*) upon the sale of the remaining $634,300 par value in capital stock mentioned in this order or any of such capital stock, the facts of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*c*) upon the sale of the $2,350,000 par value in mortgage bonds mentioned in this order or any of them, the facts of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 85 per cent of the par value thereof plus accrued interest; (*d*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said capital stock and said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said capital stock and mortgage bonds have been expended, pursuant to the terms of this order.

[Case No. 1439]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

Petition of THE LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY under section 55 of the Public Service Commissions Law for authority to issue its twenty-five year 4 per cent gold bonds of 1906 to the amount of $15,000,000, and to guarantee the bonds of the Jamestown, Franklin and Clearfield Railroad Company to the amount of $11,000,000.

After due hearing and deliberation it is

Ordered: 1. That The Lake Shore and Michigan Southern Railway Company be and it is hereby authorized to issue its twenty-five year 4 per cent

gold bonds of 1906 to an amount par value of $15,000,000, the proceeds of said bonds to be used for the following purposes only, to wit, to discharge the three year 5 per cent gold notes of said company of 1907 to the amount of $15,000,000, said notes becoming due and payable February 1, 1910. That said bonds be sold at not less than 92 per cent of the par value thereof.

Ordered: 2. That said The Lake Shore and Michigan Southern Railway Company be and it is hereby authorized, so far as this Commission is empowered so to do, to guarantee $11,000,000 par value of the first mortgage 4 per cent gold bonds of the Jamestown, Franklin and Clearfield Railroad Company, and to sell and dispose of said bonds thus guaranteed; that the proceeds of the sale of said bonds be used only for the acquisition of property and extension and improvement of the said corporation's facilities in the construction of additions, extensions, and betterments as set forth in detail in Exhibit 1 attached to its petition for this authorization and filed with this Commission. That in the opinion of the Commission the capital to be secured by the issue of bonds to the amount of $15,000,000 as hereinbefore set forth is reasonably required for the aforesaid purposes of the corporation.

Ordered: 3. That said The Lake Shore and Michigan Southern Railway Company shall on the 30th day of June, 1910, and the 31st day of December, 1910, and on the 30th day of June and the 31st day of December of each year thereafter until the transactions herein authorized are fully completed and the moneys all expended, make verified reports to this Commission of the sale or sales of said $15,000,000 of its said mortgage bonds and of said $11,000,000 of said mortgage bonds of the Jamestown, Franklin and Clearfield Railroad Company, the terms and conditions of sale, and the amounts realized therefrom which shall not be less in the case of said The Lake Shore and Michigan Southern Railway Company bonds than 92 per cent of their par value, and the disposition and use made of the proceeds of its own said bonds and the said bonds of the Jamestown, Franklin and Clearfield Railroad Company, in accordance with the terms of this order, setting forth in reasonable detail the purposes to which the proceeds have been devoted.

[Cases Nos. 970, 971]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the petition of the UTICA SOUTHERN RAILROAD COMPANY under subdivision 10 of section 4 of the Railroad Law for consent to issue a mortgage, and under section 55 of the Public Service Commissions Law for authority to issue mortgage bonds and preferred capital stock.

Whereas, The Utica Southern Railroad Company received the consent of this Commission under section 53 of the Public Service Commissions Law to extend its line from the village of Hamilton, Madison county, to and through the village of Norwich, Chenango county, a distance of 27 miles, and to exercise the franchises granted to it by the village authorities of Earlville, Sherburne, and Norwich; and

Whereas, Said railroad company has applied to this Commission for authority (1) to mortgage its entire property for $2,500,000; (2) to issue bonds to the amount of $1,040,000 under said mortgage and to apply the

proceeds in partial payment for said extension; (3) to issue $400,000 preferred stock and to apply the proceeds in payment of the remainder of the cost of said extension; and

Whereas, It appears from the evidence in this proceeding that the capitalization proposed for said extension should be reduced by the amount of $412,000 as per memorandum dated November 12, 1909, filed with this case, and that the balance, to wit $400,000 preferred stock and $628,000 bonds, is reasonably required for the purposes of said company for building and equipping aforesaid extension; it is

Ordered: 1. That under subdivision 10 of section 4 of the Railroad Law this Commission hereby consents to the issuance by the Utica Southern Railroad Company of a first mortgage upon all of the property and franchises of said company to secure the payment of $2,500,000 in 5 per cent bonds of the denomination of $1000 each.

Ordered: 2. That under section 55 of the Public Service Commissions Law this Commission hereby authorizes the Utica Southern Railroad Company to issue (*a*) $628,000 in 5 per cent bonds of the denomination of $1000 each to be secured by aforesaid mortgage, provided that none of said bonds shall be issued until the price for which it is desired to sell the same shall be submitted to and approved by this Commission; (*b*) $400,000 5 per cent noncumulative preferred capital stock at par.

Ordered: 3. That the proceeds of sale of said bonds and stock shall be used to build and equip aforesaid extension of the Utica Southern Railway from Hamilton, Madison county, to and through the village of Norwich, Chenango county, a distance of 27 miles, and in accordance with the schedules, plans, and specifications filed with the petition in this case, and for no other purpose.

Ordered: 4. That a copy of the form of mortgage proposed to be executed shall be submitted by said company to this Commission for approval before its execution.

Ordered: 5. That said Utica Southern Railroad Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $628,000 in mortgage bonds or any of said bonds, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than a price to be approved by this Commission in the future; (*b*) upon the sale of said $400,000 in preferred capital stock, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said preferred capital stock; (*c*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds and said preferred capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds and preferred capital stock have been expended, pursuant to the terms of this order.

[Case No. 1485]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY under section 55 of the Public Service Commissions Law for authority to issue $1,277,000 in mortgage bonds.

The Buffalo, Rochester and Pittsburgh Railway Company having on January 24, 1910, filed with this Commission its petition under section 55 of the Public Service Commissions Law for authority to issue $1,277,000 in bonds to bear 4½ per cent interest and to be secured by an existing mortgage of said company; and a hearing on said petition having been held by this Commission in the city of Rochester on January 28, 1910, *Harris, Havens, Beach & Harris* appearing for the petitioner; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Buffalo, Rochester and Pittsburgh Railway Company be and it is hereby authorized to issue its 4½ per cent bonds upon the security and pursuant to the terms of its consolidated mortgage executed to the Central Trust Company of New York to the amount par value of $1,277,000; the said bonds to be sold at not less than par and the proceeds to be used for the discharge of certain demand notes of said corporation amounting to the sum of $1,373,000, which are particularly described as follows: 1 note dated August 10, 1909, $220,000; 1 note dated September 3, 1909, $19,000; 1 note dated October 1, 1909, $12,000; 1 note dated November 3, 1909, $108,000; 1 note dated December 3, 1909, $270,000; 1 note dated January 7, 1909, $744.000: the avails of said notes having been used in the construction of additions and betterments to the road of said corporation. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $1,277,000 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said bonds have been expended, in accordance with the terms of this order.

[Case No. 1276]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of February, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

In the matter of the Petition of the Port Jervis Traction Company (1) for a certificate of public convenience and a necessity under section 59 of the Railroad Law; (2) for consent under subdivision 10, section 4, Railroad Law, to issue a mortgage; (3) under section 55 of the Public Service Commissions Law for authority to issue bonds to be secured by said mortgage; (4) for authority to issue common capital stock.

Whereas, The order entered herein on the 6th day of January, 1910, contains the following clause: "*It is further ordered:* That in case the said applicant, Port Jervis Traction Company, shall determine within sixty days from the date of this order to file a declaration of abandonment of its Kingston Avenue Extension, together with a petition praying for approval thereof, and shall also determine to file a petition for leave to extend its line from Port Jervis to Sparrowbush, then and in such case the proceeds from the sale of said bonds herein confined to improvements and additions to its railroad property shall be devoted to the improvements and additions to its main line according to the schedule annexed to the petition herein, pending determination of such proceedings for abandonment and extension, the remainder of said proceeds to be retained in its treasury to await the determination of the Commission as to the abandonment and extension proceedings and the further order of the Commission as to the application of the remainder of the proceeds of said bonds"; and

Whereas, The Port Jervis Traction Company has applied for extension of said time of sixty days, showing good cause therefor,

Ordered: That the said time of sixty days as specified in said order be and is hereby extended to and fixed at ninety days, and that said order be and is amended accordingly.

[Case No. 996]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of February, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
Commissioners.

In the matter of the Application of the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company for consent to mortgage property and franchises pursuant to subdivision 10, section 4 of the Railroad Law, and for an order authorizing the issue of bonds to be secured by the proposed mortgage.

Supplemental order.

Whereas, In the matter of the application of the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company for a consent to mortgage

property, filed with this Commission on the 8th day of July, 1909, the said corporation filed with this Commission a form of proposed mortgage which was approved by this Commission by an order dated the 31st day of August, 1909, said mortgage to be executed by the said corporation under the corporate name of Geneva and Auburn Railway Company; and

Whereas, Said company did on the 27th day of January, 1910, file with this Commission a form of said mortgage differing somewhat from the form heretofore approved by this Commission, which substituted form is satisfactory to this Commission, and is for a mortgage dated the 1st day of April, 1909, between the Geneva and Auburn Railway Company, party of the first part, as mortgagor, and the West End Trust Company of the city of Philadelphia, trustee, as mortgagee; now therefore it is

Ordered: That the said form of mortgage so filed on the 27th day of January, 1910, be and the same is hereby approved and substituted as the form of mortgage to be executed by said company under the aforesaid order dated the 31st day of August, 1909, and that the said Geneva and Auburn Railway Company be and it is hereby authorized and empowered to execute the said mortgage in the form so approved.

[Case No. 1416]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the matter of the Petition of the DELAWARE AND EASTERN RAILWAY COMPANY under section 55 of the Public Service Commissions Law for authority to issue capital stock and mortgage bonds.

Supplemental order.

After due deliberation it is

Ordered: 1. That the Delaware and Eastern Railway Company be and it hereby is authorized to issue its 5 per cent fifty-year gold bonds upon the security of its mortgage dated the 1st day of July, 1907, to the Empire Trust Company of New York city as trustee, to the amount of $400,000, said bonds to be sold and disposed of at not less than 85 per cent of the par value thereof, and the capital to be secured by the sale of said bonds be used for the following purposes and no other: to wit, to pay certain indebtedness of the Delaware and Eastern Railroad Company, which indebtedness was on the 13th day of May, 1907, by a resolution of the board of directors of the Schenectady and Margaretville Railroad Company, assumed by the said Schenectady and Margaretville Railroad Company, and which assumption was further evidenced by an agreement duly entered into on said 13th day of May, 1907, between the said Schenectady and Margaretville Railroad Company and the said Delaware and Eastern Railroad Company, under their respective corporate seals, the Delaware and Eastern Railway Company having been formed by a consolidation, in which consolidation the said Schenectady and Margaretville Railroad Company was one of the consolidating companies, and said Delaware and Eastern Railway Company having by the terms of such consolidation become liable to pay the indebtedness thus assumed by the Schenectady and Margaretville Railroad Company. The said indebtedness for the payment of which the proceeds of said bonds are to be used is described as follows: Joseph H. Holmes, judgment, $101.798.29; Joseph H. Holmes, judgment, $6271.76; Joseph J. Jermyn, judgment, $10,386.41; William D. Stratton, judgment, $87,950.74; Mary Welch, judg-

ment, $5224.37; Searing & Company, notes, $45,000; Searing & Company, notes, $90,000; A. C. Fairchild, notes, $20,000; Downsville Lumber Company, materials, $7500; Dover Trust Company, note, $16,400; Newton Trust Company, note, $4400; Joseph J. Jermyn, note, $1250. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the aforesaid purpose of the corporation, to wit, the discharge of its lawful indebtedness.

Ordered: 2. That said company shall make verified reports to this Commission at the expiration of each three months from the date of this order (*a*) upon the sale of said $400,000 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 85 per cent of the par value thereof; (*b*) at the termination of each and every period of three months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1069]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of February, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of Kingston Consolidated Railroad Company for consent to mortgage its property and franchises and for leave to issue bonds secured by said mortgage.

Order having been entered in this proceeding on December 16, 1909, authorizing the applicant, Kingston Consolidated Railroad Company, to execute a second mortgage upon its property and franchises and to issue bonds to the amount of two hundred and fifty thousand dollars ($250,000) payable January 1, 1939, bearing interest at not to exceed 5 per cent per annum; and also authorizing the said applicant to issue fifty-six thousand dollars ($56,000) of said bonds and sell the same so as to net the said applicant not less than 80 per cent of their par value, which said 80 per cent of par value would furnish proceeds to the amount of forty-four thousand eight hundred dollars ($44,800); and it appearing from a supplemental petition filed by the applicant herein on February 5, 1910, that it is not now able to market the said fifty-six thousand dollars ($56,000) of bonds at a reasonable price, and that until the same can be sold at 80 or a greater per cent of the par value thereof it desires permission of the Commission to borrow money upon its note at 6 per cent interest and use the said bonds as collateral security for the payment of said note; and it appearing that the applicant is now able to obtain a loan of thirty-five thousand dollars ($35,000) at 6 per cent interest upon its note secured by the said fifty-six thousand dollars ($56,000) bonds as collateral security, such loan to run if necessary for one year and to be renewable from year to year as may be necessary, the note to be payable on or before the date of maturity, provided the applicant can secure the consent of this Commission to use the said bonds as collateral security for the payment of said note without the sale limitation of 80 per cent of

par value being attached thereto for the purposes of said loan, and that said offer is the best that the applicant has been able to obtain; and it appearing to the Commission that the said supplemental application is reasonable and should be granted, it is

Ordered: That the applicant, Kingston Consolidated Railroad Company, be and is hereby authorized to issue its note for the sum of thirty-five thousand dollars ($35,000), bearing 6 per cent interest per annum and payable on or before one year from the date thereof, and pledge as collateral security for the payment of said note the issue of fifty-six thousand dollars ($56,000) of bonds heretofore authorized by the Commission in its order entered herein December 16, 1909, without limitation upon the sale price of said bonds so pledged as collateral security in case of default in the payment of said note; provided however that this authorization shall not be construed to in any manner take the place of the provisions and requirements set forth in said order of December 16, 1909, except and solely for the purpose of securing the said loan of thirty-five thousand dollars ($35,000) upon the applicant's note as aforesaid and continuing the said loan by any reasonable renewal thereof, and that upon the sale of said bonds all of the provisions and requirements of said order of December 16, 1909, including the sale price limitation of 80 per cent of the par value thereof, shall be observed and applied.

[Case No. 936]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the NEW YORK STATE RAILWAYS as to capital stock, mortgage, and mortgage bonds.

After due hearing and deliberation it is

Ordered: 1. That New York State Railways be and it is hereby authorized to increase its capital stock from $23,140,200 to $23,860,200, and to issue the increased amount of $720,000 for the following purposes only: to purchase and acquire 3340 shares preferred stock of Rochester and Suburban Railway Company, $334,000; to purchase and acquire 668 shares common stock of Rochester and Suburban Railway Company, $66,800; to purchase and acquire 1739 shares of stock of Rochester Electric Railway Company, $173,900; to purchase and acquire 1000 shares of stock of Ontario Light and Traction Company, $100,000; the stocks above described being now owned by the Mohawk Valley Company and the purchase thereof to be made by exchanging stock of New York State Railways to the amount of $674,700 par value for the same. To purchase and acquire 160 shares preferred stock of Rochester and Suburban Railway Company, $16,000; to purchase and acquire 32 shares of common stock of Rochester and Suburban Railway Company, $3200; to purchase and acquire 261 shares of stock of Rochester Electric Railway Company, $26,100; the stocks last above described are now owned by persons or corporations other than the Mohawk Valley Company and with the stocks owned by that company make up the entire capital stocks of the companies named. Said stock of New York State Railways to the amount of $43,500 par value may be exchanged for said other stocks par for par, or may be sold at par and the proceeds used for such purchase.

Ordered: 2. That said New York State Railways be and it is hereby authorized, in manner aforesaid, to purchase, acquire, and hold the entire capital stocks of Rochester and Suburban Railway Company, Rochester Electric Railway Company, and Ontario Light and Traction Company.

Ordered: 3. That said New York State Railways be and it is hereby authorized to execute and deliver to some trustee to be named, a first consolidated and refunding mortgage upon all its property, rights, and franchises, to secure issues of not exceeding 5 per cent fifty-year gold bonds to an amount not exceeding thirty-five millions of dollars. The form of said mortgage to be submitted to this Commission for its approval before execution and delivery. No bonds to be issued upon the security of said mortgage without further authorization by this Commission.

Ordered: 4. That the said New York State Railways be and it is hereby authorized to issue its bonds upon the security of and as provided in said mortgage to the amount of $2,435,000, said bonds to be used for the following purposes only: (*a*) to refund the outstanding bonds of the Rochester and Eastern Rapid Railway Company, $1,500,000; (*b*) to discharge certain notes of the Rochester Railway Company, or the renewals thereof, set forth and described in Exhibit A, Schedule 3, submitted in evidence upon this application, which notes are an indebtedness of applicant, $200,000; (*c*) for the purchase and acquisition of Rome City Railway bonds, $200,000; (*d*) for the purchase and acquisition of property, to wit certain promissory notes particularly described as follows, or their renewals: of Utica and Mohawk Valley Railway Company described in Exhibit E, Schedule 3, $300,000; of Oneida Railway Company described in Exhibit G, Schedule 3, $235,000; said exhibits and schedules being those submitted in evidence upon this application.

Ordered: 5. That said bonds shall not be sold or disposed of at less than the par value thereof.

Ordered: 6. That in the opinion of the Commission the capital to be secured by the issue of said stock and bonds hereinbefore authorized is the amount reasonably required for the aforesaid purposes of the corporation.

Ordered: 7. That said New York State Railways shall make verified reports to this Commission as follows: (*a*) upon the exchange of said amount of $674,700 in capital stock authorized by this order to be issued, for shares of the capital stock of other companies as set forth above, the facts in detail of such transactions; (*b*) upon the exchange of $43,500 in capital stock authorized by this order to be issued, for shares of the capital stock of other companies as set forth above, or upon the sale at par of said $43,500 in capital stock and the use of the proceeds thereof in purchasing shares of the capital stock of the other companies as set forth above, the facts thereof; (*c*) upon the sale of said $2,435,000 in mortgage bonds authorized by this order to be issued or upon their disposition in accordance with the terms of this order, the facts in relation to such sale or disposition and the purposes for which said bonds or their proceeds were used, in accordance with the terms of this order; that unless prior thereto the said transactions have been completed and the reports above provided made to this Commission, said New York State Railways at the expiration of six months from the date of this order shall make verified report to this Commission, setting forth in accordance with the terms of this order the condition of said transactions, and shall make such report at following periods of six months until such transactions have been completed in accordance with the terms of this order, and final report made in accordance with the terms of this order.

Ordered: 8. That the other matters for which authorization to issue bonds is asked in the petition of the New York State Railways be held for further consideration at such hearing as may hereafter be appointed thereon.

[Case No. 1546]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the PUTNAM AND WESTCHESTER TRACTION COMPANY under section 55 of the Public Service Commissions Law as to issuing mortgage bonds.

After due deliberation it is

Ordered: 1. That Putnam and Westchester Traction Company be and it is hereby authorized to issue its first mortgage 5 per cent thirty-year gold bonds to the amount of $11,000, the proceeds of said bonds to be used for the following purpose only: to wit, to discharge the demand note of said company for the sum of $9800.83 now held by F. A. Stratton, the moneys for which said note was given having been used for proper capital purposes, as set forth in the petition and schedule annexed thereto asking for this authorization. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purpose of the corporation.

Ordered: 2. That upon the use of said bonds authorized by this order to be issued for the discharge of the said demand note, said company shall make a verified report to this Commission, setting forth the facts in relation to such transaction, and if such transaction is not completed within 60 days from the date of this order, said company shall report to this Commission that fact, and thereafter shall report in the matter each sixty days until the report of the completion of the transaction is filed with this Commission.

[Case No. 936]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the NEW YORK STATE RAILWAYS as to mortgage bonds.

After due hearing and deliberation it is

Ordered: 1. That New York State Railways be and it is hereby authorized to issue its 5 per cent fifty-year gold bonds upon the security and pursuant to the terms of its first consolidated and refunding mortgage heretofore authorized by this Commission, to the amount of $2,073,634, said bonds to be used for the following purposes only: for the purchase and acquisition of property, to wit, certain promissory notes (or their renewals) particularly described as follows: (*a*) of Syracuse Rapid Transit Railway Company, described in Exhibit D, Schedule 3-A, $1,460,000; (*b*) of Rochester and Suburban Railway Company described in Exhibit C, Schedule 3, $613,634; said schedules and exhibits being those submitted in evidence upon this application. That said bonds shall not be sold or exchanged for said notes

at less than the par value thereof. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation. This authorization is upon the express condition that upon any consolidation or merger of said Syracuse Rapid Transit Railway Company and of said Rochester and Suburban Railway Company, or either of them, with said New York State Railways, the capitalization of the expenditures represented by said notes of said companies may be taken up by this Commission with the same force and effect as upon an application by each of said debtor companies to capitalize the same, and this authorization shall not have any force or effect until said New York State Railways shall have filed with this Commission an acceptance of the authorization order containing said condition, which condition is pursuant to the terms of the letter of said company dated March 14, 1910, and filed with this Commission.

Ordered: 2. That said New York State Railways shall make verified report or reports to this Commission as follows: upon the issuance of said mortgage bonds or any of them and their use for the purposes named in this order, the facts in detail of such transaction or transactions.

[Case No. 1441]

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ELIZABETHTOWN TERMINAL RAILROAD COMPANY under subdivision 10, section 4 of the Railroad Law, for consent to issue a first mortgage for $175,000; and under section 55 of the Public Service Commissions Law for authority to issue $150,000 in bonds to be secured by said mortgage, and $80,000 in common capital stock.

The Elizabethtown Terminal Railroad Company having on January 5, 1910, filed with this Commission a petition under subdivision 10, section 4 of the Railroad Law, for consent to issue a first mortgage for $175,000, and under section 55 of the Public Service Commissions Law for authority to issue $150,000 in bonds to be secured by said mortgage, and $80,000 in common capital stock; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on February 7, 1910, *F. B. Wicks* appearing for the petitioner and no one else appearing; now upon the aforesaid petition, papers filed, and hearing, and after due deliberation, it is

Ordered: That Elizabethtown Terminal Railroad Company be and it is hereby authorized (1) to issue its capital stock to the amount of $80,000, and its first mortgage thirty-year 6 per cent gold bonds to the amount of $150,000, the proceeds of said stock and bonds to be used in the construction and equipment of its road as follows, and for no other purpose: (*a*) stock to the amount of $30,000 to be sold for cash at par; (*b*) stock to the amount of $50,000 and bonds to the amount of $150,000 to be issued in part payment for the construction and equipment of its said road in accordance with its various contracts with Vincent R. Coon for the same. That in the opinion of the Commission the capital to be secured by the issue of said stock and

bonds is reasonably required for the said purposes of the corporation. (2) To execute a first mortgage upon all its property, rights, and franchises to secure its bonds to the maximum amount of one hundred and seventy-five thousand dollars, said bonds to mature in thirty years and bear interest at the rate of 6 per cent per annum, none of said bonds to be issued, however, except as herein authorized, without further authorization by this Commission. That the form of said mortgage submitted by said company and annexed to its petition be and the same is hereby approved. Provided, however, and this authorization is upon the express condition that none of the bonds herein authorized shall be issued by said corporation to said Vincent R. Coon or his assigns, except in conformity and pursuant to the terms of a supplemental contract with said Coon dated the 25th day of March, 1910, and filed with this Commission, which supplemental contract also embraces as a part thereof the plans and specifications upon and according to which said road is to be constructed. The issue of stocks and bonds herein authorized being based upon said plans and specifications, this authorization is upon the further condition that said corporation shall not permit any deviation from or change in said contracts for construction and the accompanying specifications in the actual construction of its road without the permission and consent of this Commission first had and obtained.

It is further Ordered: That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $30,000 capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said $30,000 capital stock; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said $30,000 capital stock, setting forth in reasonable detail the construction and equipment purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said $30,000 capital stock have been expended, in accordance with the terms of this order; (*c*) upon the issuance of capital stock to the amount of $50,000 and mortgage bonds to the amount of $150,000 in part payment for the construction and equipment of said company's railroad in accordance with its various contracts with Vincent R. Coon for the same and in accordance with the terms of this order, the facts in detail in relation to the issuance of said stock and bonds, and in detail the construction and equipment purposes to which the proceeds of said $50,000 in capital stock and said $150,000 in mortgage bonds have been devoted, in accordance with the terms of this order.

[Case No. 936]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the NEW YORK STATE RAILWAYS as to capital stock, mortgage, and mortgage bonds.

Amendment of order of March 10, 1910.

Whereas, In the resolution of this Commission adopted March 10, 1910, and the order entered pursuant thereto, the stocks of the Rochester and Suburban Railway Company, Rochester Electric Railway Company, and

Ontario Light and Traction Company therein mentioned are erroneously said to be now owned by the Mohawk Valley Company; and

Whereas, In the last sentence of paragraph 1 of said resolution and order, by clerical error the sum of $45,300 was written $43,500;

Ordered: That said resolution and order be and hereby are amended: (1) by striking out in said paragraph 1 the words "the Mohawk Valley Company" and inserting in place thereof the words "The New York Central and Hudson River Railroad Company and the Central Railway Syndicate"; (2) by striking out in said paragraph the words, in next to the last sentence thereof, "the Mohawk Valley Company" and inserting in place thereof the words "The New York Central and Hudson River Railroad Company and the Central Railway Syndicate"; (3) by striking out in the said sentence of said paragraph the words "that company" and inserting in place thereof the words "said railroad company and said syndicate"; (4) by striking out in the last sentence of said paragraph the figures "$43,500" and inserting in place thereof the figures "$45,300"; (5) in No. 7 of said order the amount "$43,500," appearing in two places, should be and is hereby changed to "$45,300".

It is further Ordered: That The New York Central and Hudson River Railroad Company be and it is hereby authorized to take, acquire, and hold the stock of the New York State Railways authorized by said resolution and order to be issued and exchanged for the stock of the Rochester and Suburban Railway Company, of the Rochester Electric Railway Company, and of the Ontario Light and Traction Company, which is owned and held by said The New York Central and Hudson River Railroad Company.

[Case No. 1569]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY in regard to "New York Central Lines Equipment Trust of 1910".

After due hearing and deliberation it is

Ordered: That The New York Central and Hudson River Railroad Company and The Lake Shore and Michigan Southern Railway Company be and they hereby are authorized to enter into and execute the agreement dated January 1, 1910, with Edward V. W. Rossiter, John Carstensen, Alfred H. Smith, and John F. Deems, parties of the first part, Guaranty Trust Company of the second part, and known as New York Central Lines Equipment Trust of 1910, a copy of which is annexed to the petition of said corporations for this authorization and marked Schedule 1; also to enter into and execute the lease and agreement dated February 15, 1910, with the Guaranty Trust Company, a copy of which is annexed to the said petition and marked Schedule 2; also to issue all the evidences of indebtedness required by the terms of said agreements to be executed by said corporations or either of them. That the certificates mentioned in said agreement Schedule 1 to the

maximum amount of $30,000,000 as therein specified shall not be sold for less than 97 per cent of their par value, and that the proceeds of such sale or sales shall be used only for the purposes specified in said agreement.

It is further Ordered: That said The New York Central and Hudson River Railroad Company and the said The Lake Shore and Michigan Southern Railway Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said certificates to the maximum amount of $30,000,000, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 97 per cent of their par value; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said certificates, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said certificates have been expended, in accordance with the terms of this order.

[Case No. 1570]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY for approval of issue of notes for conditional sale and lease of equipment.

After due deliberation it is

Ordered: 1. That the New York, Ontario and Western Railway Company be and it hereby is authorized to execute and issue its 720 promissory notes, bearing date on April 1, 1910, for $1000 each, with interest at the rate of 4½ per cent per annum, 36 of said notes to fall due on each successive 1st day of October and 1st day of April after April 1, 1910, to and including April 1, 1920, and to have interest coupons attached for each semiannual payment of interest, the Manhattan Trust Company (a corporation having its office in New York city) acting as trustee; that the said issue of notes shall net the applicant not less than 98½ per cent of the par value thereof, and that the same shall be used in conformity with the terms of the proposed agreement, which said company is hereby authorized to enter into, a copy of which is annexed to the petition herein, in part payment of property: to wit, 7 passenger coaches, 500 40-ton coal cars, and 14 locomotives, the purchase price of which will be substantially the sum of $817,340.16, as set forth in the petition; the use of the capital to be secured by the said notes being in the opinion of the Commission reasonably required for the said purposes of the applicant.

Ordered: 2. That said New York, Ontario and Western Railway Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said notes, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom which shall not be less net than 98½ per cent of the par value thereof; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said notes, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this

order; and that such reports shall be made until all of the proceeds of said notes have been expended, in accordance with the terms of this order.

[Case No. 1542]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

Petition of the CATSKILL TRACTION COMPANY (street surface): First, under subdivision 10, section 4 of the Railroad Law for consent to issue a first mortgage; second, under section 55 of the Public Service Commissions Law for authority to issue $60,000 of bonds to be secured by said mortgage; third, under section 55 of the Public Service Commissions Law for authority to issue $60,000 in common capital stock; fourth, under section 54 for approval of the transfer from purchaser at foreclosure sale to this company of the existing Catskill Electric Railway; fifth, for leave to operate the property of said Catskill Electric Railway.

The Catskill Traction Company having filed with this Commission on March 8, 1910, its petition, and on March 26, 1910, its supplemental petition, under subdivision 10 of section 4 of the Railroad Law for consent to issue a mortgage of $400,000; under section 55 of the Public Service Commissions Law for authority to issue $60,000 of bonds to be secured by said mortgage, and $60,000 of its common capital stock of the par value of $100 per share; and to purchase and acquire all the property, assets, and franchises of the Catskill Electric Railway Company sold under foreclosure January 12, 1910, and now owned by W. C. Wood, pursuant to the written contract made between said Wood and the said company dated February 4, 1910; and for authority to operate said property so contracted for; and it appearing to this Commission that the use of the capital to be secured by the issue by this petitioner of the mortgage, bonds, and stock hereinafter authorized is reasonably required for the said purposes of the corporation; it is

Ordered: 1. That under subdivision 10 of section 4 of the Railroad Law this Commission hereby consents to the issue by the Catskill Traction Company of a mortgage upon all the property, assets, and franchises of said company to the Carnegie Trust Company as trustee, to secure the payment of $400,000 in bonds of the denomination of $500 each, said bonds being due March 1, 1940, with interest payable semiannually at 5 per cent.

Ordered: 2. That the form of said mortgage and bonds as attached to the petition herein be and the same is hereby approved.

Ordered: 3. That under section 55 of the Public Service Commissions Law this Commission hereby authorizes the Catskill Traction Company to issue $60,000 of its said bonds at not less than 85 per cent of their par value, and $48,000 of its capital stock at par, for the following purposes and no others: to wit, to purchase and acquire of W. C. Wood the property, assets, and franchises of the Catskill Electric Railway Company pursuant to the terms of a contract made between said parties February 4, 1910.

Ordered: 4. That under the provisions of section 54 of the Public Service Commissions Law the approval of this Commission is hereby given to W. C. Wood to transfer to the Catskill Traction Company all the property, assets, and franchises of the Catskill Electric Railway Company now owned by him, and upon the acquisition of said property the said Catskill Traction Company is hereby authorized to operate said property.

Ordered: 5. That under section 55 of the Public Service Commissions Law this Commission also hereby authorizes the said Catskill Traction Company to issue $12,000 additional common capital stock at par the proceeds to be used for the following purposes and no others: to wit, $2350 for new pavements required by the village authorities to be laid in Main street, Catskill, N. Y.; $650 for changes in company's machinery of power plant of the Catskill Illuminating Company; $5000 organization expenses as per items contained in affidavit of directors verified March 31, 1910; $4000 working capital to cover purchase of supplies, overhauling and painting cars, changing depot, etc., as shown by said affidavit of March 31, 1910.

Ordered: 6. That said company shall make verified reports to this Commission as follows: (*a*) upon the issuance of said $60,000 in mortgage bonds and said $48,000 in common capital stock, in accordance with the terms of this order and for the purposes named herein, the facts in relation to said transaction; (*b*) upon the sale of said $12,000 in common capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*c*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said $12,000 in common capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said $12,000 in common capital stock have been expended, in accordance with the terms of this order.

[Case No. 1340]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the HORNELL-BATH INTERURBAN RAILWAY COMPANY to issue a mortgage, mortgage bonds, and common capital stock.

After due deliberation it is

Ordered: That the amended form of mortgage filed by the Hornell-Bath Interurban Railway Company dated the 1st day of April, 1910, be and the same is hereby approved.

[Case No. 1574]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the WESTERN NEW YORK AND PENNSYLVANIA TRACTION COMPANY under section 55 of the Public Service Commissions Law for authority to issue capital stock.

Corrected Order.

The Western New York and Pennsylvania Traction Company having on March 31, 1910, filed with this Commission its petition under section 55 of the Public Service Commissions Law for authority to increase its capital stock from two million dollars ($2,000,000), consisting of one million dollars ($1,000,000) of common stock and one million dollars ($1,000,000) of 5 per cent preferred stock (cumulative from and after January 1, 1910), divided into shares of the par value of $100 each, to two million six hundred thousand dollars ($2,600,000) to consist of one million dollars ($1,000,000) of common stock, six hundred thousand dollars ($600,000) of first preferred cumulative 6 per cent stock, and one million dollars ($1,000,000) of second preferred 5 per cent noncumulative stock; and for authority to issue said two million six hundred thousand dollars ($2,600,000), consisting of one million dollars ($1,000,000) of common stock, six hundred thousand dollars ($600,000) of first preferred cumulative 6 per cent stock, and one million dollars ($1,000,000) of second preferred 5 per cent noncumulative stock, for the purposes in said petition set forth; and a hearing on said petition having been held in said city of Albany on April 6, 1910, *William F. Sheehan* appearing for the petitioner; and it appearing that said capital stock when increased and classified is to be issued for the purposes hereinafter stated: now upon the aforesaid petition and accompanying papers, the evidence at the hearing, and after due deliberation, it is

Ordered: 1. That under section 55 of the Public Service Commissions Law this Commission hereby authorizes Western New York and Pennsylvania Traction Company to increase its capital stock from two million dollars ($2,000,000), consisting of one million dollars ($1,000,000) of common stock and one million dollars ($1,000,000) of 5 per cent preferred stock (cumulative from and after January 1, 1910), divided into shares of the par value of $100 each, to two million six hundred thousand dollars ($2,600,000), to consist of one million dollars ($1,000,000) of common stock, six hundred thousand dollars ($600,000) of first preferred 6 per cent cumulative stock, and one million dollars ($1,000,000) of second preferred 5 per cent noncumulative stock, divided into shares of $100 each.

Ordered: 2. That under section 55 of the Public Service Commissions Law this Commission hereby authorizes Western New York and Pennsylvania Traction Company to issue said stock for the following purposes only: (*a*) To issue said first preferred 6 per cent cumulative stock to the extent of but not exceeding five hundred thousand dollars ($500,000) face value thereof, in exchange for a like principal amount of the first and refunding mortgage 5 per cent gold bonds of Western New York and Pennsylvania Traction Company now issued and outstanding, secured by its first and refunding mortgage dated December 1, 1906. All of said bonds as so exchanged for said first preferred 6 per cent cumulative stock shall forthwith be delivered to The Trust Company of America, the trustee under the said first and refund-

ing mortgage, to be held by it and to be delivered only as and when authorized by order of this Commission; and a certified copy of this order shall be delivered to said trustee by the Western New York and Pennsylvania Traction Company, and proof of service of such order shall be filed with this Commission. The president of the Traction company shall file with this Commission a verified statement at least every thirty (30) days, showing the amount of bonds so exchanged and delivered to the trustee, until the whole of said five hundred thousand dollars ($500,000) principal amount of said bonds have been exchanged. (b) To issue said first preferred 6 per cent cumulative stock to the extent of but not exceeding one hundred thousand dollars ($100,000) face value thereof, in exchange for a like principal amount of the promissory notes heretofore issued by the Western New York and Pennsylvania Traction Company dated June 25, 1909. The following items of expenditure for construction account: to wit, Carrollton-Bradford extension, $16,790; Salamanca-Little Valley extension, $75,000; Little Valley sub-station building, $2640; Portable sub-station, $1526; Drilling additional gas wells, $6500; which appear on the statement annexed to the petition and amount in the aggregate to one hundred two thousand four hundred fifty-six dollars ($102,456); represent expenditures which are to be paid for by the one hundred thousand dollars ($100,000) of first preferred 6 per cent cumulative stock to be issued in exchange as aforesaid for the promissory notes of the company to that amount. (*c*) To issue said second preferred 5 per cent non-cumulative stock to the extent of one million dollars ($1,000,000) face value thereof, in exchange share for share for the existing 5 per cent preferred stock (cumulative from and after January 1, 1910) of the company. (*d*) To issue said common stock to the extent of one million dollars ($1,000,000) face value thereof, share for share, for the existing common stock of the company. That in the opinion of the Commission the capital to be secured by the issue of said stock is reasonably required for the said purposes of the corporation.

Ordered: 3. Any stock not so issued shall be held in the treasury of the company and shall not be hereafter issued or disposed of except as may hereafter be authorized by this Commission.

Ordered: 4. That said Western New York and Pennsylvania Traction Company, in addition to the report or reports to be made under No. 2 of this order, shall make verified reports to this Commission as follows: (*a*) upon the exchange, in accordance with the terms of this order, of said first preferred 6 per cent cumulative capital stock to the amount of $100,000 for a like principal amount of the promissory notes hereinbefore described, said fact; (*b*) upon the exchange, in accordance with the terms of this order, of said second preferred 5 per cent non-cumulative capital stock to the amount of $1,000,000 for said existing 5 per cent preferred capital stock hereinbefore described, said fact; (*c*) upon the exchange, in accordance with the terms of this order, of said common capital stock to the amount of $1,000,000 for the existing common capital stock of said company hereinbefore described, said fact; and that if any or all of said proceedings are not completed within six months from the date of this order, said Western New York and Pennsylvania Traction Company shall report to this Commission the progress made therein; and such reports shall be made by said company to this Commission for each six months' period thereafter until said proceedings have been completed in accordance with the terms of this order, and report thereof made to this Commission as herein provided.

[Case No. 1422]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the DELAWARE AND EASTERN RAILWAY COMPANY under section 55 of the Public Service Commissions Law for authority to issue capital stock and mortgage bonds. Complaint of S. Ormond Goldan.

After due deliberation it is

Ordered: That case number 1422, being the complaint of S. Ormond Goldan against the Delaware and Eastern Railway Company, be and hereby is dismissed, it not appearing that sufficient reason exists for such investigation as the complainant asks for, at this time.

[Case No. 1377]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

Application of the GENEVA AND AUBURN RAILWAY COMPANY for authorization to issue its 6 per cent cumulative preferred stock to the amount of $50,000.

After due hearing and deliberation it is

Ordered: That the application of the Geneva and Auburn Railway Company for authorization to issue its 6 per cent cumulative preferred stock to the amount of $50,000 be and the same is hereby denied, for the reasons stated in the opinion prepared by Commissioner Stevens, which is adopted as the opinion of the Commission.

[Case No. 936]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the matter of the Petition of the NEW YORK STATE RAILWAYS as to capital stock, mortgage, and mortgage bonds.

Whereas, In the matter of the petition of the New York State Railways as to capital stock, mortgage, and mortgage bonds, this Commission adopted

a resolution on the 10th day of March, 1910, and on the same date issued an order based thereon which, together with an order as an amendment thereto dated March 31, 1910, authorized the New York State Railways to execute and deliver to some trustee to be named a first consolidated and refunding mortgage upon all the property, rights, and franchises, to secure issues of not exceeding 5 per cent fifty-year gold bonds to an amount not exceeding thirty-five millions of dollars, the form of said mortgage to be submitted to this Commission for its approval before execution and delivery; and

Whereas, The said New York State Railways did on May 9, 1910, file with this Commission and submit for approval a proposed form of a first consolidated and refunding mortgage to Security Trust Company of Rochester as trustee, in accordance with the above terms and for the purposes herein set forth; now therefore, upon examination and consideration of the said form, it is

Ordered: That the same be and hereby is approved.

[Case No. 1586]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ORANGE COUNTY TRACTION COMPANY under subdivision 10, section 4 of the Railroad Law and section 55 of the Public Service Commissions Law for consent to issue a mortgage for $750,000, and to issue $750,000 in bonds to be secured by said mortgage.

The Orange County Traction Company having filed with this Commission its petition verified March 25, 1910, asking for authority under subdivision 10 of section 4 of the Railroad Law to issue a first and refunding mortgage of $750,000; and under section 56 of the Public Service Commissions Law for authority to issue $241,500 of bonds to be secured by said mortgage; it is

Ordered: 1. That under subdivision 10 of section 4 of the Railroad Law this Commission hereby consents to the issue by the Orange County Traction Company of a first and refunding mortgage upon all the property, assets, and franchises of said company to the Union Trust Company of Albany, N. Y., as trustee, to secure the payment of $750,000 in bonds of said company, payable in fifty years from date with interest payable semiannually at 5 per cent. That the form of said mortgage and bonds filed with Commission on May 2, 1910, be and the same is hereby approved. Provided however that this consent and approval is conditional upon striking from said mortgage the clause thereof numbered eighteenth, permitting the conversion of bonds issued thereunder into common capital stock at par. In place thereof may be inserted a provision permitting such conversion of bonds into common stock, provided that each bond may be converted into an amount of common stock of a par value equal to the amount of money actually realized by said corporation for the bonds so converted, the form to be approved by the Commission.

Ordered: 2. That under section 55 of the Public Service Commissions Law this Commission hereby authorizes the Orange County Traction Company to issue its fifty-year 5 per cent bonds upon the security of said mort-

gage to the aggregate amount of $233,800, said bonds to be sold at not less than 85 per cent of their par value, and the proceeds thereof to be used for the following purpose and no other: to wit, to discharge indebtedness of said corporation to the aggregate amount of $198,678.21, represented in the following outstanding obligations of said company: (*a*) 4 promissory notes issued pursuant to an order of this Commission dated July 13, 1908, each note being for $25,000 principal, $100,000; (*b*) 11 promissory notes dated and for the amounts following: Nov. 9, 1909, $6,500; Dec. 27, 1909, $10,000; Dec. 22, 1909, $3,500; Jan. 11, 1909, $3,500; Jan. 24, 1910, $3,500; Feb. 8, 1910, $2,000; Feb. 10, 1910, $13,500; Feb. 24, 1910, $2,500; Mar. 9, 1910, $2,000; Mar. 9, 1910, $2,500; Mar. 5, 1910, $7,000: $55,500; (*c*) 2 notes held by and indebtedness to B. B. Odell, jr., as follows: note dated Oct. 30, 1909, $7,500; note dated April 30, 1909, $3,750; money advanced for cars at various dates in 1909, $5,551.52; money advanced for salary and equipment, $5,430.02: $22,231.54; (*d*) certain car trust certificates issued by said company on Feb. 15, 1907, the amount thereof now outstanding and unpaid being $27,500; total indebtedness, $205,231.04. The total indebtedness described amounting to said sum of $205,231.04, the said company may apply the proceeds of said bonds to the discharge of such part of the same as it may elect to the said amount of $198,678.21 and no more, the said last named sum being the amount thereof which is properly capitalizable.

Ordered: 3. That under section 55 of the Public Service Commissions Law this Commission hereby authorizes said Orange County Traction Company to issue its fifty-year 5 per cent bonds to the aggregate amount of $425,000 par value, said bonds not to be sold or exchanged at less than their par value without further authorization by this Commission, for the sole and only purpose of refunding existing bonded indebtedness which is a lien upon property of said company as follows: (*a*) 500 bonds of the total par value of $250,000, dated May 1, 1894, payable May 1, 1944, secured by a mortgage executed by Newburgh Electric Railroad Company to Knickerbocker Trust Company as trustee; (*b*) 150 bonds of the total par value of $75,000, dated July 1, 1894, payable July 1, 1944, secured by a mortgage executed by the Newburgh and Orange Lake Railroad Company to Knickerbocker Trust Company as trustee; (*c*) 100 bonds of the total par value of $100,000, dated April 20, 1895, payable June 1, 1945, secured by a mortgage executed by Walden and Orange Lake Railroad Company to the Hamilton Trust Company as trustee. Said authorized new bonds may be exchanged at any time at par for par for any of the bonds which are to be refunded, but if such exchange can not be made at par the further authorization of this Commission for sale or exchange on other terms must be obtained. That in the opinion of this Commission the use of the capital to be secured by the issue of said mortgage and bonds by said petitioner is reasonably required for the said purposes of the corporation, it appearing from the evidence in this case that the expenditures represented by the indebtedness described in paragraph 2 to the amount of $198,678.21 were all made for additions and betterments and not in any way for replacements or maintenance.

Ordered: 4. That said Orange County Traction Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended.

[Case No. 1683]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the BOSTON AND ALBANY RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue bonds.

After due deliberation it is

Ordered: 1. That the Boston and Albany Railroad Company be and it is hereby authorized to issue its 25-year, 4 per cent improvement bonds of 1910, bearing interest at the rate of 4 per cent per annum, to the amount of $2,000,000; that the proceeds of said bonds be used for the following purposes only: to wit, to pay for the additions and betterments made and to be made to the road of said company, as set forth and described in Schedule A annexed to the petition of said company for this authorization and filed with this Commission on the 8th day of June, 1910; that the said bonds be sold at not less than 97 per cent of their par value, without the further order of this Commission.

Ordered: 2. That in the opinion of this Commission the capital to be secured by the issue of said bonds is reasonably required for the aforesaid purposes of the corporation.

Ordered: 3. Any excess of proceeds of this issue of bonds which shall not be needed for the purposes stated herein shall be applied to the payment of any excess in cost of the proposed improvements above the estimated cost, or shall be held for such application to the cost of additions and improvements in the property of the company as this Commission shall hereafter approve. The issue of bonds hereby authorized is the same issue as that authorized by the Board of Railroad Commissioners of the Commonwealth of Massachusetts on the 11th day of May, 1910.

Ordered: 4. That said Boston and Albany Railroad Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 97 per cent of their par value; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such report shall be made until all of the proceeds of said bonds have been expended, in accordance with the terms of this order.

[Case No. 1340]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the HORNELL-BATH INTERURBAN RAILWAY COMPANY as to issuing a mortgage, mortgage bonds, and common capital stock.

Whereas, By an order herein made on the 28th day of December, 1909, the petitioner was authorized to issue capital stock to the amount of $250,000, and forty-year 5 per cent gold bonds to the amount par value of $450,000, for the following purposes: (*a*) for the physical construction of its road. including rolling stock and machine shop, $612,000; (*b*) right of way and terminals, $23,000; (*c*) power station site, $1,000; (*d*) station sites and buildings, $3,000; (*e*) engineering contingencies and superintendence, $30,000; (*f*) expenses of organization, incorporation tax, obtaining certificate of necessity, obtaining authorization of stock and bond issue, obtaining local consents and franchises, compensation of officers and office expenses during construction, incidentals, preliminary engineering and working capital, $16,000; (*g*) promotion, $15,000: total, $700,000; and

Whereas, It was also provided by said order that the said corporation shall not sell or issue any of said bonds without the further authorization of this Commission fixing the price at which the same may be sold, "at which time and in such authorization the Commission will authorize such further issue of bonds as may be necessary to provide for the discount on said bonds, the interest on bonds during the period of construction, expense of marketing securities, and any other matters which then may seem necessary"; and

Whereas, The petitioner has filed its supplemental petition herein dated April 16, 1910, asking that the bonds heretofore authorized, as also those herein authorized, shall be sold at a price not less than 85 per cent of their par value; and further asking for authority to issue bonds to cover a contractor's profit on the cost of the actual construction of the road, and for interest during the construction period; and for the expense of administration, legal expenses, mortgage tax, and other items of incidental and contingent expense not included in the original order; and to cover the discount on the entire issue of bonds on a basis of a minimum selling price of 85; and due consideration having been had, it is

Ordered: 1. That the Hornell-Bath Interurban Railway Company be and it is hereby authorized to issue, in addition to the $450,000 par value authorized by the order of December 28, 1909, a further amount of $195,000 par value of its said bonds, for the following purposes and no other: to wit, (*a*) $61,200, or so much thereof as may be necessary, to cover a contractor's profit upon the physical construction of its road, including rolling stock and machine shop, being 10 per cent on $612.000 heretofore allowed for such purposes of physical construction; (*b*) $36,720 par value thereof for the purpose of covering the interest on the above amount of $612,000, being interest at 6 per cent on the above amount ($612,000) for the construction period estimated at one year, or so much thereof as may be necessary during the period of construction until the said road is fully completed and in operation; (*c*) $96,631 par value thereof, or so much thereof as may be necessary, to make up the discount upon said total issue of bonds hereinbefore and now authorized. Making the total issue of bonds herein authorized by this Commission as follows: $450,000 amount authorized by order of Dec. 28, 1909; $61.200 contractor's profit; $36,720 interest during construction; $96,631

bonds to make up discount (bonds sold at 85); $449 to round out: $645,000 total.

Ordered: 2. That in case the proceeds allowed for any purpose above specified shall prove to be in excess of the amount needed for such purpose, such excess shall not be used for or appropriated to any other purpose without the further authorization of this Commission.

Ordered: 3. That the said corporation make verified reports to the Commission as follows: (*a*) of the sale of stock and bonds, within thirty days after each and every sale, stating the amount sold, to whom sold, and the terms of sale; (*b*) of the expenditure made of the moneys derived from such sale of said stock and bonds, during each month of July and January, beginning with July, 1910, a statement of the disbursements made, showing the amounts paid for each purpose hereinbefore enumerated during the preceding six months ending June 30th and December 31st. If any general contracts are made for construction, such contracts shall be reported as soon as executed by the parties. In the opinion of the Commission the use of the capital to be secured by the said issue of $195,000 of said bonds is reasonably required for the said purposes of the corporation.

[Case No. 1701]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the WESTCHESTER NORTHERN RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue $60,000 in common capital stock.

Whereas, It appears by the petition of the Westchester Northern Railroad Company, filed with this Commission, that the said company was duly incorporated by the filing of its certificate of incorporation in the office of the Secretary of State and in the office of the county clerk of Westchester county, that the subscribers to the capital stock of said corporation were fifteen in number, each one having subscribed for forty shares of the capital stock of said corporation of the par value of $100 per share, making a total subscription of six hundred shares of the par value of $60,000; that the said sum of $60,000 was duly paid in cash to three of the directors named in the said certificate of incorporation prior to the filing of the certificate of incorporation, and that since the filing of said certificate the said sum of $60,000 has been transferred by said directors to the said corporation, Westchester Northern Railroad Company; and

Whereas, It further appears that of the said sum of $60,000 the sum of $8655 has been expended by the said corporation for the purchase of real estate for right of way of its railroad, as set forth in Schedule A annexed to the said petition; and

Whereas, It appears by said petition that there has been expended by the Millbrook Company for the purchase of real estate necessary for the right of way of said petitioner, and which real estate will be transferred to said petitioner upon payment of the cost price of said right of way, the sum of $101,483.06, as set forth in the statement annexed to said petition and marked Exhibit B; and

Whereas, It further appears by said petition that the said company has in fact issued its certificates of stock to each of the said fifteen subscribers in an amount respectively subscribed by each, and for the sums so paid by each of said subscribers pursuant to such subscription, it being claimed by said company that it supposed it had the right to issue said certificates of stock upon incorporation for the amounts paid in, as required by law, in order to perfect the incorporation of said company; now therefore it is

Ordered: 1. That said Westchester Northern Railroad Company be and it is hereby authorized to issue six hundred shares of its common capital stock of the par value of $100 per share, total par value of all shares $60,000, for and in consideration of the payment to it of the said sum of $60,000 by the said subscribers for said stock, and that the moneys so received for said stock be used for the following purposes only: to wit, in the acquisition of property, namely, the acquisition of right of way as set forth in said petition; it being the intent hereof that the stock so authorized to be issued shall be the stock heretofore issued by the said company, as hereinbefore recited, and to legalize and authorize the said issue so made; that in the opinion of the Commission the capital to be secured by the issue of said stock is reasonably required for the said purposes of the corporation.

Ordered: 2. That said Westchester Northern Railroad Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $60,000 in common capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said common capital stock; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said common capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said common capital stock have been expended, in accordance with the terms of this order.

[Case No. 1723]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE LEHIGH VALLEY RAIL WAY COMPANY and LEHIGH VALLEY RAILROAD COMPANY for an order consenting to the issue of $825,000 par value of the debenture bonds of The Lehigh Valley Rail Way Company to Lehigh Valley Railroad Company.

Whereas, It appears by the petition herein that the Lehigh Valley Railroad Company, a corporation organized under and by virtue of the laws of the State of Pennsylvania, has advanced prior to the filing of said petition between the dates of July 1, 1907, and June 30, 1910, the sum of $825,477.41 to The Lehigh Valley Rail Way Company, a corporation organized under and by virtue of the laws of the State of New York, and that by reason thereof the said sum of $825,477.41 is now due and owing from The Lehigh Valley Rail Way Company to the Lehigh Valley Railroad Company, said advancements having heretofore been made for the acquisition of property

and the construction, completion, extension, and improvements of the facilities of The Lehigh Valley Rail Way Company; and

Whereas, The board of directors of The Lehigh Valley Rail Way Company, by a resolution adopted at a meeting held on the 28th day of June, 1910, a certified copy of which resolution is attached to and made a part of the petition herein, authorized the issue of 5 per cent debenture bonds of said company in the amount of $825,000 as an evidence of said items of indebtedness to the Lehigh Valley Railroad Company; now therefore upon the petition, and after due deliberation, it is

Ordered: 1. That The Lehigh Valley Rail Way Company be and it hereby is permitted to issue, pursuant to section 55 of the Public Service Commissions Law, to the Lehigh Valley Railroad Company, $825,000 par value of its fifty-year 5 per cent debenture bonds as evidence of the indebtedness of The Lehigh Valley Rail Way Company to Lehigh Valley Railroad Company as above set forth, it being the opinion of the Commission that the issue of said bonds is reasonably required for the aforesaid purposes of the corporation.

Ordered: 2. That upon the issuance of said $825,000 par value in debenture bonds by The Lehigh Valley Rail Way Company to the Lehigh Valley Railroad Company in accordance with the terms of this order said The Lehigh Valley Rail Way Company shall make a verified report to this Commission of the facts of said proceeding.

[Case No. 1743]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of FRANK SULLIVAN SMITH AS RECEIVER OF THE PITTSBURG, SHAWMUT AND NORTHERN RAILROAD COMPANY for approval under section 55 of the Public Service Commissions Law of receiver's certificates to the aggregate amount of $1,500,000.

On reading and filing the petition of Frank Sullivan Smith as Receiver of The Pittsburg, Shawmut and Northern Railroad Company, and copies of the orders of courts hereinafter described, and after due deliberation,

Ordered: 1. Under section 55 of the Public Service Commissions Law that Frank Sullivan Smith as Receiver of The Pittsburg, Shawmut and Northern Railroad Company be and he hereby is authorized to issue his certificates of indebtedness to the aggregate amount of $1,500,000, pursuant to an order of the Supreme Court of the State of New York granted on the 25th day of June, 1910, at a special term thereof held in and for the County of Allegany; and also pursuant to an order of the Circuit Court of the United States for the Western District of Pennsylvania granted by said Court on the 29th day of June, 1910; said certificates of indebtedness to be in all respects conformable to and in pursuance of the said orders and bearing interest at the rate of not exceeding 6 per centum per annum, payable semi-annually, and to be sold only at par.

Ordered: 2. That the capital to be secured by the issue of such certificates of indebtedness be used and applied exclusively for the following purposes: (*a*) To pay off outstanding car trust certificates payable to Colonial Trust Company and obtain title to equipment on which $562,000

already has been paid, $132,000; (*b*) To pay remainder of the purchase price of the six locomotives to Baldwin Locomotive Works, on which $53,856 has been paid, $41,842.20; (*c*) To provide payments upon Guardian Trust Company lease for two years, $252,000; (*d*) To pay for locomotives and cars under Barrett lease, $475,031; (*e*) To pay for note of Pittsburg, Shawmut and Northern Railroad Company and release Clarion River Railway Company stock, $133,000; (*f*) For needed improvements set forth in folios 40 to 48 of the petition, $26,000; (*g*) For reimbursement of Receiver for expenditures on capital account set forth in petition, folios 48 to 62, $46,025.79; (*h*) To provide cash payment for new equipment required, $75,050, payment on account of principal for two years, $88,000, making a total of $163,050; (*i*) Purchase of two additional locomotives, $32,000; (*j*) For the purchase of new rail, $93,264; (*k*) For payment of amount due on Kille Tract, coal lands, $148,000 having been paid, $10,000; (*l*) To provide for commissions, and contingencies to be expended upon further orders of the courts having jurisdiction, $95,787.01: making a total of $1,500,000. That in the opinion of the Commission the use of the capital to be secured by the use of such certificates of indebtedness is reasonably required for the aforesaid purposes of the said Receiver.

Ordered: 3. That said Receiver shall make verified reports to this Commission as follows: (*a*) upon the sale of said $1,500,000 in certificates of indebtedness or any of them, the fact of such sale, the terms and conditions of sale. and the amounts realized therefrom which shall not be less than par; (*b*) at the termination of each and every period of six months after the date of this order the disposition and use made of the proceeds of said certificates of indebtedness, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said certificates of indebtedness have been expended, in accordance with the terms of this order.

[Case No. 1276]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District. held at the Capitol, Albany, on the 20th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
John B. Olmsted,
Commissioners.

In the matter of the Petition of the Port Jervis Traction Company (1) for a certificate of public convenience and a necessity under section 59 of the Railroad Law; (2) for consent under subdivision 10, section 4, Railroad Law, to issue a mortgage; (3) under section 55 of the Public Service Commissions Law for authority to issue bonds to be secured by said mortgage; (4) for authority to issue common capital stock.

On reading the affidavits of Thomas Watts, president of the Port Jervis Light and Power Company, and David R. Thomas, treasurer and manager of the Port Jervis Light and Power Company, and after consideration, it is

Ordered: That the limitation upon the sale of bonds to 90 per cent of par value thereof, as contained in the order entered herein January 6, 1910, be and the same is hereby changed to 81 per cent of the par value of said bonds, and that subdivision 2 of said order of January 6, 1910, be and is hereby amended accordingly.

[Case No. 1276]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the PORT JERVIS TRACTION COMPANY (1) for a certificate of public convenience and a necessity under section 59 of the Railroad Law; (2) for consent under subdivision 10, section 4, Railroad Law, to issue a mortgage; (3) under section 55 of the Public Service Commissions Law for authority to issue bonds to be secured by said mortgage; (4) for authority to issue common capital stock. Petition to apply certain moneys derived from the sale of bonds to construction of Sparrowbush Extension.

Whereas, By order entered January 6, 1910, in the above entitled matter the Commission authorized the petitioner to issue $70,000 of bonds for the purpose of rebuilding four miles of track and for other purposes, the said four miles of track above mentioned consisting of three miles of main line track and one mile known as petitioner's Kingston Avenue branch; and

Whereas, On May 5, 1910, the Commission approved the petitioner's declaration of abandonment of the Kingston Avenue branch, and also its application for authority to extend its main line from Port Jervis to Sparrowbush, which said extension to Sparrowbush also covers a distance of about one mile; and it appearing that the amount required to build the Sparrowbush extension is approximately the same as the amount provided in said order of January 6, 1910, to rebuild the Kingston Avenue branch; now, on reading and filing the petition of the Port Jervis Traction Company for permission to apply that part of the proceeds from the sale of bonds originally assigned to the reconstruction of the Kingston Avenue branch to the construction of the Sparrowbush Extension,

Ordered: That the proceeds derived from the sale of $70,000 of bonds as provided in said order of January 6, 1910, shall be applied to the repair and reconstruction of petitioner's main line in the city of Port Jervis and to the extension of said line to Sparrowbush, under and in accordance with the specifications set forth in the schedule of improvements and additions annexed to the original petition in this proceeding, and that said order be and the same is hereby amended accordingly.

[Case No. 1738]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the ROME, WATERTOWN AND OGDENSBURG RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue $419,000 in bonds.

After due deliberation it is

Ordered: 1. That the Rome, Watertown and Ogdensburg Railroad Company be and it is hereby authorized to issue its bonds to the amount of

$419,000 upon the security of its mortgage executed to The Farmers Loan and Trust Company, dated July 1, 1874, to secure an issue of bonds to the amount of $10,000,000, as extended to July 1, 1922, said bonds to mature July 1, 1922, bear interest at the rate of 4 per cent per annum, and to be sold at not less than 95 per cent of their par value;

Ordered: 2. That the proceeds of said bonds shall be used for the following purposes and no others: to wit, (1) to discharge or refund bonds of the said company to the amount of $417,800, issued by the Watertown and Rome Railroad Company and secured by its mortgage dated June 12, 1855, said bonds maturing under an extension agreement the 1st day of September, 1910; (2) $1200 to the purchase of land in connection with the station improvements at Watertown. That in the opinion of the Commission the money to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 3. That the said Rome, Watertown and Ogdensburg Railroad Company shall make verified reports to this Commission as follows: (*a*) upon the sale of the $419,000 in mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 95 per cent of their par value; (*b*) at the termination of each and every period of six months after the date of this order the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds have been expended, in accordance with the terms of this order.

[Case No. 1683]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22d day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the BOSTON AND ALBANY RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue bonds.

Whereas, This Commission did, by order dated June 14, 1910, authorize the Boston and Albany Railroad Company to issue its 25-year 4 per cent improvement bonds of 1910, bearing interest at the rate of 4 per cent per annum, to the amount of $2,000,000, and to be sold at not less than 97 per cent of their par value, the proceeds of said bonds to be used for certain specific purposes set forth in said order; and

Whereas, In the matter of the petition of The New York Central and Hudson River Railroad Company for authority to guarantee said bonds of the Boston and Albany Railroad Company to the amount of $2,000,000, this Commission did, on the 14th day of June, 1910, authorize The New York Central and Hudson River Railroad Company to guarantee the payment of the principal and interest of the aforesaid bonds; and it now appearing in a petition filed by The New York Central and Hudson River Railroad Company with this Commission on August 6, 1910, that the best bid that has been offered for the bonds in question is 94⅜ per cent of their par value; and said petition further requesting an order consenting to the sale of the bonds at

94⅜ per cent for the above mentioned reason, now therefore, after due deliberation, it is

Ordered: That the consent of this Commission be and the same hereby is given for the sale of the bonds of the Boston and Albany Railroad Company at 94⅜ per cent of the par value thereof to the amount of $2,000,000, as heretofore authorized as above stated.

[Case No. 1830]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY under section 54 of the Public Service Commissions Law for authority to purchase all the outstanding stock of the Silver Lake Railway Company, and for approval under section 55 of the issue of its consolidated mortgage bonds to pay for such stock.

The Buffalo, Rochester and Pittsburgh Railway Company having filed with this Commission August 20, 1910, its petition under section 54 of the Public Service Commissions Law for authority to purchase all the outstanding stock of the Silver Lake Railway Company, and for approval under section 55 of the issue of its consolidated mortgage bonds to pay for such stock; after due deliberation it is

Ordered: 1. That the Buffalo, Rochester and Pittsburgh Railway Company be and it is hereby authorized to purchase and hold all the outstanding stock of the Silver Lake Railway Company consisting of 1200 shares of the par value of $100 each, total par value of outstanding stock $120,000.

Ordered: 2. That the said Buffalo, Rochester and Pittsburgh Railway Company be and it is hereby authorized to issue its consolidated mortgage 4½ per cent bonds due May 1, 1957, secured by mortgage to the Central Trust Company of New York as trustee, dated May 1, 1907, to the aggregate amount of $120,000 par value, in exchange for the said capital stock of the Silver Lake Railway Company, said exchange to be par for par. This authorization however is upon the express condition that none of said stock shall be purchased or acquired unless all be so purchased and acquired, and that none of said bonds shall be issued except for the purchase for the acquisition of all of said stock. That in the opinion of the Commission the property to be acquired by the issue of said bonds is reasonably required for the purposes of said Buffalo, Rochester and Pittsburgh Railway Company, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or income.

Ordered: 3. That the said Buffalo, Rochester and Pittsburgh Railway Company shall make verified reports to this Commission as follows: (*a*) upon the sale of the $120,000 in mortgage bonds hereby authorized to be issued, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than their par value; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds have been expended, in accordance with the terms of this order.

[Case No. 1080]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE LONG ISLAND RAILROAD COMPANY for an order authorizing it to issue debentures not to exceed in amount $16,500,000.

The Long Island Railroad Company having pursuant to the terms of the order in this matter dated the 18th day of November, 1909, submitted to this Commission its verified statement dated the 25th day of February, 1910, showing that The Pennsylvania Railroad Company did, during the calendar year 1909, advance to the said The Long Island Railroad Company the sum of $3,803,878.93, and that the said The Long Island Railroad Company did during the said year repay to said The Pennsylvania Railroad Company the sum of $1,724,994, leaving due December 31, 1909, the sum of $2,078,884.33, and that said moneys so due were used by said The Long Island Railroad Company in the acquisition of property and the construction of additions and betterments to its road, and that no part thereof was used for replacements; and a public hearing having been had upon the said statement, and after such hearing the said company having, pursuant to the direction of this Commission on the 6th day of August, 1910, filed the affidavit of its chief engineer, J. R. Savage, verified the 3d day of August, 1910, which affidavit enlarges and amplifies the proof given upon said hearing and upon all the proceedings and evidence, the Commission being satisfied that said balance is actually due, and that so far as it is practically possible to determine no part thereof was used or expended for replacements but for additions, betterments, and improvements to its property, all of which are properly chargeable to capital account, except as to the main line improvements between Winfield and Dunton which are reserved for future decision.

Ordered: 1. That the said The Long Island Railroad Company be and it is hereby authorized to issue its 4 per cent ten-year gold debenture bonds to The Pennsylvania Railroad Company to the amount of $2,000,000, in the form set forth in said order of November 18, 1909, for the refunding of said indebtedness to that amount. That in the opinion of the Commission the money to be paid for by the issue of said debentures was reasonably required for the said purposes of the corporation, and was not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 2. That the said The Long Island Railroad Company shall make verified reports to this Commission as follows: upon the issue of said $2,000,000 of said debentures or any of them, in accordance with the terms of this order, the facts in relation to such issuance; and before issuance an unexecuted sworn copy of said debentures shall be filed with this Commission.

[Case No. 936]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the NEW YORK STATE RAILWAYS as to issuing mortgage bonds.

After due deliberation it is

Ordered: That the action of the board of directors of the New York State Railways in ordering the cancellation and destruction of the bonds of the Rochester and Eastern Rapid Railway Company to the amount of $1,500,000, refunded by an issue of a like amount of its bonds pursuant to authorization of this Commission as set forth in letter of Harris, Havens, Beach & Harris dated September 22, 1910, be and hereby is approved.

[Case No. 1914]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY in regard to "New York Central Lines Equipment Trust of 1907".

Whereas, In the year 1907 The New York Central and Hudson River Railroad Company and The Lake Shore and Michigan Southern Railway Company, being in need of additional equipment to meet the requirements of their business, determined to secure the use thereof by means of a car trust to be known as "New York Central Lines Equipment Trust of 1907"; a copy of the agreement establishing such trust, dated November 1, 1907, was executed by and between Edward V. W. Rossiter and others as vendors, the Guaranty Trust Company of New York as trustee, and said railroad corporations, and various other papers for the perfecting of said trust were executed by said parties; and

Whereas, Said trust agreement provided for the issuance of certificates to the amount of $30,000,000 to represent 90 per cent of the cost of the equipment covered thereby; and the petitioners herein did sell said certificates pursuant to the provisions of the trust agreement and realized from the sale thereof $28,068,219.95, being about 93½ per cent of par; and

Whereas, The making of such agreement and the issuing and sale of said certificates was without the authorization of this Commission, as required by section 55 of the Public Service Commissions Law; and

Whereas, In an action brought by this Commission for that purpose, the Court of Appeals of the State of New York determined that the authorization of this Commission for the issue of said New York Central Lines Equipment Trust Certificates of 1907 was required, and that the petitioners herein had violated the Public Service Commissions Law in issuing said certificates without the authorization of this Commission; and

Whereas, The petitioners are now desirous that their action in the said matter be approved so far as it is possible for this Commission to approve the same at the present time, and that the authorization of this Commission be granted for the making of said agreement constituting the said trust and the issuance of the certificates pursuant thereto; and

Whereas, This Commission, after due investigation, has satisfied itself and finds as a matter of fact that the purchase of the equipment mentioned in said trust was reasonably necessary for the purposes of the petitioners, that the certificates were sold as hereinbefore recited, and that the proceeds of said sale were properly used for the purposes of said trust, and that if application had been made to this Commission before the making of said trust agreement and the issuing of said certificates that authorization therefor would have been given by this Commission; and

Whereas, The Commission is further satisfied that the said petitioners entered into the said trust agreement and issued said certificates in good faith and believing that they had the lawful right to do so without the authorization of this Commission; now therefore

Ordered: That the acts of The New York Central and Hudson River Railroad Company and of The Lake Shore and Michigan Southern Railway Company in entering into the said trust agreement and in issuing and selling the certificates hereinbefore recited, and in using the proceeds of said certificates for the purposes of said car trust, be and the same hereby are approved and ratified; and that authorization be and hereby is given, pursuant to section 55 of the Public Service Commissions Law, for the making and executing of the agreement dated November 1, 1907, by and between Edward V. W. Rossiter and others, parties of the first part, and the Guaranty Trust Company of New York as trustee, party of the second part, said agreement being known as the "New York Central Lines Equipment Trust of 1907," a copy of which is annexed to and made a part of the petition for this authorization and marked Schedule 1; also for the entering into and executing the leases thereunder dated respectively November 1, 1907, January 1, 1908, September 21, 1908, December 16, 1908, and November 19, 1909, with the Guaranty Trust Company, copies of which leases are annexed to and made a part of the petition herein and marked Schedules 2, 3, 4, 5, and 6, respectively; and that the said corporations be and hereby are authorized to sell and dispose of the certificates mentioned in said agreement, Schedule 1, for the price for which they were actually sold, and that the proceeds of said sale or sales shall be used only for the purposes specified in said agreement. That in the opinion of the Commission the property to be procured and paid for by the issue of said certificates was and is reasonably required for the purposes specified.

It is further Ordered: That this order has force and effect as of November 1, 1907.

It is further Ordered: That said The New York Central and Hudson River Railroad Company and The Lake Shore and Michigan Southern Railway Company shall within thirty days from the date of this order make verified report to this Commission of the fact of the sale of said equipment trust certificates, the price or prices at which sold and the amount or amounts realized therefrom, and in detail the disposition and use made of the proceeds of said equipment trust certificates.

[Case No. 1850]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of LESLIE SUTHERLAND AS RECEIVER OF THE YONKERS RAILROAD COMPANY for approval, under section 55 of the Public Service Commissions Law, of the issuance of receiver's certificates in the sum of $160,000.

On reading and filing the petition of Leslie Sutherland as Receiver of The Yonkers Railroad Company, for authority to issue as said receiver, receiver's certificates to an amount not exceeding $160,000, bearing interest at the rate of not exceeding 6 per cent per annum, and to be made payable not exceeding two years from the date thereof; and it appearing that the said issuance of certificates of said receiver was duly authorized by Mr. Justice Morschauser of the Supreme Court of the State of New York, by order entered in Westchester county on the 29th day of August, 1910, said order setting forth the purposes for which the proceeds of said certificates to be issued are to be used: namely, (*a*) for the purpose of buying an additional rotary engine for the sub-station and building necessary conduits; (*b*) for the purpose of re-laying and removing tracks on Warburton avenue; (*c*) for the purpose of repairing and renewing tracks on Park avenue and Palisade avenue; (*d*) for the purpose of paying the expenses of removing and re-laying tracks upon MacLean avenue, and all things necessary for the said purpose; it is

Ordered: 1. That under section 55 of the Public Service Commissions Law this Commission hereby authorizes Leslie Sutherland, as Receiver of The Yonkers Railroad Company, to issue certificates as such receiver to be known and designated as Series C, to an amount not exceeding $160,000, to bear interest not to exceed 6 per cent per annum, and to be payable in not to exceed two years from the date thereof; said certificates to be those authorized by the said order of Mr. Justice Morschauser, and the issue and sale thereof to conform in all respects to the terms and conditions of said order.

Ordered: 2. That said certificates shall not be issued for property or sold for cash at less than their par value; that in the opinion of this Commission the capital to be derived from the sale of said receiver's certificates is reasonably required for the aforesaid purposes, and that except as otherwise permitted herein such purposes are not reasonably chargeable to operating expenses or income.

Ordered: 3. That the proceeds derived from the sale of said certificates shall be used for the following purposes only: 1, for the purpose of placing an additional rotary engine in the sub-station and building necessary conduits, and for the purpose of placing cables and wires for conveying power to and from said sub-station to said conduits, the sum of $48,500; 2, for the purpose of re-laying and renewing the tracks of said railroad on Warburton avenue, the sum of $78,000, in accordance with the schedule prepared by Mr. John F. Fairchild, engineer to the receiver, dated July 22 and 27, 1910, and annexed to and made a part of the petition herein; 3, for the purpose of re-laying and renewing the tracks on Park avenue and Palisade avenue, the sum of $9000, in accordance with the aforesaid schedule; 4, for the purpose of paying the expenses of placing the tracks upon MacLean avenue in the center of the street and upon the grade from Rollins avenue to the viaduct and Lincoln Park station, the sum of $24,500, in accordance with the aforesaid schedule.

Ordered: 4. That said receiver shall make verified reports to this Commission as follows: (*a*) upon the sale of said certificates or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than their par value; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said certificates, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said certificates have been expended, in accordance with the terms of this order; (*c*) upon the issuance of any of said certificates for property, the fact of such issuance, the terms and conditions of issuance, a description of the property for which issued, and the value of said property which shall not be less than the par value of the certificates.

[Case No. 1897]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of ERIE RAILROAD COMPANY for authority to issue bonds to the amount of $1,000,000 under its first consolidated mortgage deed dated December 10, 1895.

Application having been made by Erie Railroad Company by petition dated September 14, 1910, under section 55 of the Public Service Commissions Law, for an order authorizing the applicant to issue one million dollars ($1,000,000) 4 per cent general lien bonds under its first consolidated mortgage deed dated December 10, 1895, to the Farmers' Loan and Trust Company, trustee; and a hearing having been had on said application and the applicant having appeared by its counsel; and the Commission having examined such witnesses, books, papers, accounts, and reports as it deemed necessary or important to enable it to reach a determination herein; and being of the opinion that the use of the capital to be secured by the issue of said bonds herein is reasonably required for the proper and lawful purposes of the applicant hereinafter mentioned, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income, it is hereby

Ordered: First, that the applicant, Erie Railroad Company, be and is hereby authorized to issue one million dollars ($1,000,000) 4 per cent general lien bonds under its first consolidated mortgage deed, so called, dated December 10, 1895, to the Farmers' Loan and Trust Company, trustee.

Second, that said bonds shall not be pledged by said Erie Railroad Company as collateral security for notes or other obligations except as may be hereafter authorized by order of the Commission.

Third, said Erie Railroad Company shall not, without further authority of this Commission, sell any of said general lien bonds hereby authorized to be issued for less than eighty-five (85) per cent of their par value.

Fourth, that the bonds hereby authorized or the proceeds thereof shall be used and applied by said Erie Railroad Company toward the cost of improvements and additions to the railroad property owned and operated by the applicant or operated under its control as connected parts of its railway system, provided that said improvements or additions to said property here-

after referred to are those only which are specified in Exhibit "H" on file herein and generally described as follows: to wit, "for improvements and additions specified in said Exhibit 'H' which embrace additional equipment estimated to cost $8,646,000; and also embrace additional shops, machinery, round-houses, stations, warehouses, yards and tracks, including additional running tracks, sidings, receiving and delivery tracks; cut-off tracks or lines, or shortening or straightening or improving the line or grade of the applicant's roads and the lands required for said purposes; elimination of grade crossings; water facilities; fire protection west of Salamanca; piping yards for air; automatic block signals on main and suburban lines and interlocking plants at various points; water softeners, locomotive cranes and miscellaneous machinery at various points, all estimated to cost $26,271,588.34; or toward the payment of the principal of outstanding equipment trust obligations referred to in said petition or for one or more of said purposes."

Fifth, said Erie Railroad Company shall make a verified report at the termination of each period of six months from the date of this order, showing the use and application made by it of said bonds or the proceeds of said bonds, and setting forth in reasonable detail the purposes to which said bonds or their proceeds have been devoted; and such reports shall be made until all of said bonds or their proceeds or the amount so set aside shall have been used, pursuant to the provisions of this order.

[Case No. 1743]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of FRANK SULLIVAN SMITH AS RECEIVER OF THE PITTSBURG, SHAWMUT AND NORTHERN RAILROAD COMPANY for approval under section 55 of the Public Service Commissions Law of receiver's certificates to the aggregate amount of $1,500,000.

Whereas, In the above entitled matter this Commission did on the 8th day of July, 1910, authorize the above named receiver to issue his certificates of indebtedness as such receiver, to the aggregate amount of $1,500,000, pursuant to an order of the Supreme Court of the State of New York granted on the 25th day of June, 1910, at a special term thereof held in and for the County of Allegany, and in said order provided that the said certificates should not be sold at less than par, such being the terms of the said order of the Supreme Court; and

Whereas, Such order of the Supreme Court did provide that said certificates should be sold only at par, and further provided that said receiver should be permitted, if in his judgment it should be necessary, to pay any person, firm, or corporation a reasonable compensation for marketing the same; and

Whereas, The said receiver now represents to this Commission that it is necessary there should be a more definite order of this Commission with reference to said commissions, and it is not suggested that the terms of the said order of the Supreme Court have been in any respect modified or amended; now therefore it is

Ordered: That the said order of this Commission dated the 8th day of July, 1910, be and the same is hereby amended by inserting after the word "par" in paragraph "a" of the third clause of said order the following: "Provided that said receiver may pay from the amount so realized from the sale of said certificates of indebtedness, to any person, firm, or corporation, a reasonable compensation for marketing the said certificates, not exceeding however 6 per cent of the face or par value of the same." And

Whereas, By the terms of the order of the Supreme Court the interest upon said certificates of indebtedness was to become due and payable on the 1st days of January and July in each year, and the said receiver desires to make such interest payable on the 1st days of February and August in each year, to which course no objection appears, now therefore it is further

Ordered: That the consent of this Commission be and it is hereby given that interest upon said certificates may be payable semiannually on the 1st days of February and August in each year.

[Case No. 1805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of NEW YORK, WESTCHESTER AND BOSTON RAILWAY COMPANY under section 55 of the Public Service Commissions Law for authority to issue $5,000,000, par value, first mortgage bonds.

After due hearing and deliberation it is

Ordered: That New York, Westchester and Boston Railway Company be and it is hereby authorized to issue its 5 per cent first mortgage gold bonds to be secured by its first mortgage dated October 1, 1904, to the amount of $5,000,000, said bonds to mature on the 1st day of October, 1954, and bear interest at the rate of 5 per cent per annum. Said issue to be upon the following terms and conditions:

1. That the said bonds shall not be sold or otherwise disposed of at less than their face or par value, and shall not be used as collateral security, pledged or hypothecated in any manner as security for indebtedness, without the further authorization of this Commission.

2. That the proceeds of said bonds shall be used only for the construction of that portion of the road of said company known as its branch extending from the junction with the main line in the city of Mount Vernon to the terminus in the village of White Plains, and for no other purpose or purposes whatsoever. That the said proceeds shall be used for the purposes set forth in the following schedule, and that the amounts set opposite each item in said schedule shall be used for no other purpose in said schedule without the further authorization of this Commission.

SCHEDULE

1. For cost of right of way..... $1,079,620 88
This item includes the payment of the sum of $953,446.60 advanced to said corporation by the City and County Contract Company, under an agreement between said corporations dated Sept. 11, 1906, and is intended to cover the items for purchase of right of way set forth in detail in Exhibit B-2 annexed to the petition for this authorization.

2. Graduation, Section No. 1, being eleven items set forth in Exhibit C–3 annexed to petition	$389,477 48
3. Graduation, Section No. 2, being ten items set forth in Exhibit C–3 annexed to petition	665,455 30
4. Steel and steel work, being eight items set forth in Exhibit C–3 annexed to petition	420,777 82
5. Construction of main track, passing tracks and other tracks, including ballasting, being two items in Exhibit C–3 annexed to petition	339,883 10
6. Eight passenger stations and freight stations, being one item in Exhibit C–3 annexed to petition	280,000 00
7. Maintenance of streets, etc., one item in Exhibit C–3 annexed to petition	26,000 00
8. Fencing right of way, one item in Exhibit C–3 annexed to petition	14,835 30
9. Miscellaneous work, one item in Exhibit C–3 annexed to petition	176,925 00
10. Ten per cent for engineering, contingencies, and incidentals, one item Exhibit C–3 annexed to petition	231,335 00
The following is set forth in Exhibit D–2 annexed to the aforesaid petition:	
1. Catenary construction	117,000 00
2. Anchor bridges	7,500 00
3. Track bonds	6,550 00
4. Conduits for signals	51,800 00
5. Station lights	12,000 00
6. Telephone system	12,800 00
7. Track signals	29,200 00
8. Interlocking	32,000 00
9. Interlocking towers	4,000 00
10. Inspection shed	25,000 00
11. Engineering and undistributed costs (10 per cent)	29,850 00
12. Car equipment	723,450 00
Administration expenses during construction period, estimated to be 2 years	48,000 00
Interest on cost and expense of construction during construction period, estimated to be 2 years	500,000 00
No portion of this interest item to be used except for actual interest paid, computing from the time of advance of money to the company by the person or corporation making such advance.	
Interest on amount already expended, $953,446.60, for six months, at 5 per cent	23,836 04
Total	$5,247,996 04

3. That the said corporation shall keep accurate books, accounts, vouchers, and memoranda concerning the issuance of said bonds and the expenditure of the moneys derived from the sale thereof, so as to show, among other things, (*a*) the time when any money is received upon bonds actually sold and the amount so received; (*b*) the amounts actually expended for each item of the purposes set forth in the foregoing schedule, to the end that it may be readily ascertained at any time what amounts have been expended for each of the purposes set forth in said schedule and that the same may be readily checked in connection with the vouchers therefor.

4. That said corporation shall at the expiration of each and every six months from the date of this order make verified report to this Commission, setting forth the amount of bonds sold and proceeds thereof received during the preceding six months and the amount of moneys expended for each of the purposes set forth in the foregoing schedule. That in the opinion of the Commission the money, property, or labor to be procured and paid for by the issue of said bonds has been and is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 1941]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE.
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of FRANK SULLIVAN SMITH AS RECEIVER OF THE PITTSBURG, SHAWMUT AND NORTHERN RAILROAD COMPANY for approval under section 55 of the Public Service Commissions Law of the issue of equipment trust certificates to the amount of $220,000.

On reading and filing the petition of Frank Sullivan Smith as receiver of The Pittsburg, Shawmut and Northern Railroad Company, and certified copies of orders of courts hereinafter mentioned; and after due deliberation it is

Ordered: 1. That pursuant to section 55 of the Public Service Commissions Law, Frank Sullivan Smith as receiver of The Pittsburg, Shawmut and Northern Railroad Company be and he hereby is authorized to issue his equipment trust certificates to the amount of $220,000, pursuant to an order of the Supreme Court of the State of New York granted on the 8th day of October, 1910, at a special term thereof held in and for the County of Allegany, at the courthouse in the village of Belmont, N. Y.; and also pursuant to an order of the Circuit Court of the United States for the Western District of Pennsylvania, granted by said Court on the 13th day of October, 1910, said certificates of indebtedness to be in all respects conformable to and in pursuance of the said orders, and bearing interest at a rate not exceeding 5 per cent per annum, payable semiannually, and to be sold for not less than 95.5 per cent of the par value thereof.

Ordered: 2. That the capital to be secured by the issue of such certificates of indebtedness shall be used and applied exclusively for the following purpose: in part payment of (250) two hundred and fifty structural steel hopper coal cars, in accordance with the terms and conditions of the court orders hereinbefore set forth, and the proposed agreement of conditional sale or lease made and entered into by and between the petitioner herein and the American Car and Foundry Company, a copy of which is annexed to and made a part of the petition herein and marked "Schedule A"; and that the approval of this Commission be and hereby is given to the execution of said agreement of conditional sale or lease by and between the aforesaid parties.

Ordered: 3. That in the opinion of this Commission the use of the capital to be secured by the issue of such certificates of indebtedness is reasonably required for the aforesaid purpose of said receiver, and that except as otherwise herein permitted such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 4. That said receiver shall make verified reports to this Commission as follows: (*a*) upon the sale of said $220,000 equipment trust certificates or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 95.5 per cent of the par value thereof; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said equipment trust certificates, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said equipment trust certificates have been expended, in accordance with the terms of this order.

[Case No. 1781]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE DUNKIRK, ALLEGHENY VALLEY AND PITTSBURGH RAILROAD COMPANY for leave to execute a first mortgage to secure its 4½ per cent fifty-year first mortgage bonds to an amount not exceeding $5,000,000, and for other relief.

After due hearing and deliberation it is

Ordered: 1. That the consent of this Commission be and the same is hereby given that The Dunkirk, Allegheny Valley and Pittsburgh Railroad Company may execute and issue a mortgage upon its property and franchises, conditioned to secure its 4½ per cent fifty-year first mortgage bonds to an amount not exceeding $5,000,000, said mortgage to be in the form shown by Schedule A annexed to the petition of said company for this consent, which form is hereby approved.

Ordered: 2. That the said The Dunkirk, Allegheny Valley and Pittsburgh Railroad Company be and the same is hereby authorized to issue presently upon the security of said mortgage its 4½ per cent fifty-year first mortgage bonds to an amount at par of $2,900,000, said bonds to be used for the refunding of the following obligations of said corporation now outstanding: (*a*) first mortgage bonds of the Dunkirk, Warren and Pittsburg Railroad Company issued June 1, 1870, to an amount par of $1,000,000; (*b*) second mortgage bonds of the Dunkirk, Warren and Pittsburg Railroad Company issued October 1, 1872, to an amount par of $400,000; (*c*) third mortgage bonds of the Dunkirk, Warren and Pittsburg Railroad Company issued October 1, 1872, to an amount par of $200,000; (*d*) first mortgage bonds of the Warren and Venango Railroad Company issued June 1, 1870, to an amount par of $1,000,000; (*e*) second mortgage bonds of the Warren and Venango Railroad Company issued October 1, 1872, to an amount par of $300,000: total, $2,900,000.

Ordered: 3. Said bonds hereby authorized shall be sold or exchanged for the bonds to be refunded at not less than their face or par value, and said bonds or their proceeds shall be used for the aforesaid purposes only.

Ordered: 4. That in the opinion of the Commission the money or property to be procured or paid for by the issue of said bonds is reasonably required for the purposes specified in this order, and that said purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 5. That said The Dunkirk, Allegheny Valley and Pittsburgh Railroad Company shall at the termination of each and every period of six months after the date of this order make verified report in detail to this Commission as to the refunding of the mortgage bonds mentioned in this order, and which report shall include the price at which the mortgage bonds hereby authorized to be issued or any of them have been sold, if sold, which price shall not be less than their face or par value.

[Case No. 1950]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of New York State Railways as to retirement of scrip certificates.

Whereas, The New York State Railways has outstanding 148 fractional common stock scrip certificates amounting in the aggregate to 77 shares of the par value of $7700; and

Whereas, Said corporation is desirous of retiring the said scrip certificates by the issuance of certificates of stock in exchange therefor to the same aggregate amount, and has made application to this Commission for authorization to retire the same in either of two different ways: (1) the holder of the scrip certificate assign the same to the corporation by proper indorsement, the corporation pay the holder of the certificate the par value thereof in cash and hold the certificate as treasury stock; (2) the holder of any such certificate properly indorse the same to the company and at the same time pay cash or check to the company for a sum sufficient with the face of the scrip certificate to equal the par value of one share of stock, and thereupon one share of stock will be issued to the holder of such scrip certificate. An adjustment to be made in the issuing and retiring of certificates so that no stock will be issued in excess of 77 shares, and in case a majority of the scrip holders elect to take stock the company make exchange or retire other stock, so that in no event no more stock shall be issued in the aggregate than there is scrip now outstanding. Now therefore

Ordered: That the New York State Railways be and it hereby is authorized to retire the said 148 fractional common stock scrip certificates, amounting in the aggregate to 77 shares of the par value of $7700, in the foregoing manner, and that at the expiration of each and every six months from the date hereof it make report to this Commission of what proceedings it has had pursuant to the authorization hereby given.

[Cases Nos. 1674, 529, 530] STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At sessions of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September and 2d day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the BABYLON RAILROAD COMPANY for consent to mortgage its property and franchises and issue bonds under said mortgage (Case No. 1674).

In the matter of the Application of the BABYLON RAILROAD COMPANY under section 55 of the Public Service Commissions Law for approval of an increase of its capital stock from $25,000 to $75,000 (Case No. 529).

In the matter of the Application of the BABYLON RAILROAD COMPANY under subdivision 10, section 8, of the Railroad Law for consent to execute and deliver a new first mortgage for $400,000; and under section 55 of the Public Service Commissions Law for authority to issue bonds to be secured by said mortgage (Case No. 530).

Whereas, This Commission did on the 20th day of May, 1909, adopt a resolution in Case 529 consenting that the said Babylon Railroad Company might increase its capital stock from the present authorized and issued amount of $25,000 to the sum of $75,000, being an increase of $50,000, and also prescribing the purposes for which said issue of $50,000 might be used; and

Whereas, By the same resolution this Commission did in Case 530 authorize the execution and delivery of a first mortgage upon the property, rights, and franchises of said Babylon Railroad Company for the sum of $300,000, and did authorize the issuance of bonds to an aggregate amount of $230,000 upon the security of said mortgage; and

Whereas, Said resolution contained the provision that the same should not be effective until the performance of certain acts by the said Babylon Railroad Company; and

Whereas, The said resolution was duly accepted by the said Babylon Railroad Company, but the performance of the conditions therein prescribed has not yet been had by said company; and

Whereas, The said company has filed its further petition in Case 1674 for a modification of the said resolution, and for authority to issue bonds to the amount of $30,000 in addition to the $230,000 provided for in the resolution referred to; and

Whereas, Two resolutions adopted by this Commission: one on September 14, 1910, and the other on November 2, 1910, have been duly accepted by the said Babylon Railroad Company; now therefore, for the purpose of finally disposing of all of the matters hereinbefore recited, it is

Ordered: 1. That the said Babylon Railroad Company may increase its capital stock from the present authorized and issued amount of $25,000 to the sum of $75,000, being an increase in said capitalization of $50,000.

Ordered: 2. That the said Babylon Railroad Company may issue its common capital stock to the amount of $50,000, the proceeds of said stock, which shall be disposed of only at par, to be used and applied to the following purposes and no others: to wit, (*a*) for the payment of services and expenses in connection with the extension of its road and of the

construction thereof, and for promotion of said enterprise, $10,000; (*b*) for the construction of a new ferry line connecting with its road at Babylon, and for working capital in connection with the operation of its road and ferry line, the sum of $40,000.

Ordered: 3. That the said Babylon Railroad Company be and it is hereby authorized to execute and deliver a first mortgage upon all its property, rights, and franchises for the sum of $300,000, to secure the payment of its coupon bonds payable in sixty years from date, with interest payable semiannually at the rate of 5 per cent per annum, and this Commission hereby approves the form of said mortgage a copy of which is filed with the Commission.

Ordered: 4. That the said Babylon Railroad Company is hereby authorized to issue its coupon bonds upon the security of the said mortgage to an aggregate amount of $258,500, the said bonds to be sold at not less than 85 per cent of their par value, and the proceeds of said sale to be used for the following purposes and no others: to wit, (*a*) in payment of indebtedness incurred in constructing the roadway and track and overhead construction, including engineering, $85,753.76; (*b*) in payment of indebtedness incurred in the purchase of right of way for the construction of its road, $12,750; (*c*) for interest upon indebtedness during period of construction, $3000; (*d*) in payment of legal expenses incurred in the construction of its road, $1500; (*e*) in payment of tax upon recording of mortgage upon its property, $1200; (*f*) in payment for rolling stock to be used in the operation of its road, purchased and to be purchased, $22,000; (*g*) for construction of car barns and repair shops, $15,000; (*h*) for construction and installation of power house and power machinery and facilities for generating power in the operation of its road, $10,000; (*i*) for construction of signal and telephone systems upon its road, $5500; (*j*) for construction of fences and signs at crossings, and miscellaneous items, $2000; (*k*) in payment of indebtedness incurred in reconstructing the line of its road with The Long Island Railroad Company, $26,308; (*l*) in payment of indebtedness incurred in the further reconstruction of its road in the year 1908, $16,180; (*m*) in payment of actual cost of construction work additional to that above recited not covered by any allowance in said item, $3936.25; (*n*) for contractor's profit on construction work to the amount of $89,690 actual cost, at 10 per cent thereof, $8969; (*o*) for interest during period of construction on $26,308, at 6 per cent from September 2, 1908, $3327.96; (*p*) for interest during period of construction on $16,180, $2042.90: total, $219,467.87; requiring, if sold at 85 of par value, practically $258,500.

Ordered: 5. That the said company is not authorized by this order to use any of the sums appropriated to one purpose above specified for any other purpose, and said company shall use the proceeds of said bonds for the purposes above stated only to the extent hereinbefore recited. That none of said bonds shall be hypothecated or pledged as collateral without further authorization therefor by this Commission.

Ordered: 6. That in the opinion of the Commission the money, property, or labor to be procured or paid for by the issue of the stock and bonds hereinbefore authorized is or has been reasonably required for the purposes specified in this order, and that except as otherwise permitted in the case of said bonds, said purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 7. That the authorization hereinbefore made shall supersede and take the place of the authorization made by the resolution of this Commission adopted the 20th day of May, 1909. hereinbefore recited, and that the paragraphs in said resolution of May 20, 1909, numbered 4, 5, 6, 7, and 8 are hereby rescinded, the subject matter thereof being fully covered by the preceding paragraphs of this order. And

Whereas, The said Babylon Railroad Company did execute to the Metropolitan Trust Company as trustee. on or about the 1st day of June. 1888. a mortgage upon all its property and franchises to secure the payment of

bonds to the aggregate amount of $600,000, and has heretofore issued upon the security of said mortgage bonds to the amount of $150,000: namely, $33,000 in or about the year 1898, and $117,000 in or about the year 1908, which $150,000 of bonds, together with the coupons, are and constitute the total existing and outstanding bonded indebtedness of said company; and

Whereas, The said Babylon Railroad Company, as a condition of the issuance of this authorization, and the holder and holders of the said bonds, have consented to surrender and cancel each and every of said bonds and all unpaid coupons connected therewith, and to cause the satisfaction and discharge of the said mortgage to be made and entered of record. to the end that the entire indebtedness represented by the said bonds and mortgage shall be wholly canceled and discharged and that the said company shall be under no further liability therefor; now therefore it is

Further Ordered: That this order shall be deemed null and void and of no force and effect whatsoever unless and except said Babylon Railroad Company shall procure the full, complete, and effectual discharge and satisfaction of the said mortgage of 1888, and the said bonds and all coupons appertaining to said bonds, whether attached or unattached thereto, and of the indebtedness evidenced thereby, except such of said indebtedness as is represented in matters for which either bonds or stock are hereinbefore authorized, in manner following: to wit, (1) a discharge and satisfaction of the said mortgage to the Metropolitan Trust Company as trustee, shall be filed and recorded in the office where the said 1888 mortgage is recorded, contemporaneously with the recording of the mortgage hereinbefore authorized; (2) no bonds hereby authorized shall be executed and delivered or sold until the said 1888 bonds now outstanding and all the coupons appertaining thereto shall have been canceled and discharged and surrendered to the said Babylon Railroad Company; (3) that immediately upon the surrender and cancellation of said 1888 bonds and coupons and the discharge of said 1888 mortgage, the said company shall file with this Commission satisfactory proof thereof. Upon the receipt of such satisfactory proof this Commission will by proper further order declare that said conditions have been complied with and that this order becomes absolute. Upon the failure of said company to conform and comply with these conditions, this Commission may at any time declare this order null and void and as never having at any time any force or effect, and in such event this order shall be treated and regarded as not having been made. It is

Further Ordered: That said further order which may be hereafter made in this matter, declaring that said conditions have been complied with and that this order becomes absolute, shall contain the usual provisions regarding reports by said company of sales of bonds and stock and disposition of the proceeds thereof as required by the rules of practice.

[Case No. 1684]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of November, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of the Southwestern New York Traction Company for a certificate of public convenience and a necessity under section 59 of the Railroad Law, and for approval of construction and exercise of franchises under section 53 of the Public Service Commissions Law; and also for leave to change a part of its route; and for authority to execute a mortgage for $300,000 and to issue bonds to be secured by said mortgage.

Ordered: That the matter of the application of the Southwestern New York Traction Company for a certificate of public convenience and a necessity under section 59 of the Railroad Law, and for approval of construction and exercise of franchises under section 53 of the Public Service Commissions Law; and also for leave to change a part of its route and for authority to execute a mortgage for $300,000 and to issue an equal amount in 5 per cent bonds to be secured by said mortgage, be and the same is hereby closed upon the records of this Commission, the moving papers in the application having been found to be fatally defective and the applicant having been so advised by letter dated June 22, 1910.

[Case No. 1841]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of The Hoosick Falls Railroad Company, pursuant to section 55 of the Public Service Commissions Law, for an order authorizing the issue of stock.

After due hearing and deliberation it is

Ordered: 1. That The Hoosick Falls Railroad Company be and it is hereby authorized to issue its common capital stock to the amount of $100,000 par value, consisting of one thousand shares of the par value of $100 each, said stock to be used for the following purpose and no others: for the acquisition of property, to wit, all of the property, rights, and franchises formerly belonging to the Bennington and North Adams Street Railway Company situate within the State of New York which were sold at foreclosure sale on the 12th day of May, 1910, to Charles L. Livingston, pursuant to a decree of foreclosure and sale made by the Circuit Court of the

United States for the Northern District of New York dated April 5, 1910, said property being fully described in the petition in this case and in Exhibit No. 1 offered in evidence upon the hearing had herein October 10, 1910.

Ordered: 2. That in the opinion of the Commission the property to be procured and paid for by the issue of said stock is reasonably required for the purposes of the corporation, and that said purposes are not in whole or in part reasonably chargeable to operating expense or to income.

Ordered: 3. That upon the issue of said stock the said corporation shall make verified report of the same to this Commission, setting forth that said stock has been issued for the purpose stated in this order.

[Case No. 1957]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ELMIRA, CORNING AND WAVERLY RAILWAY under section 55 of the Public Service Commissions Law for authority to issue bonds to the amount of $700,000 under its first consolidated mortgage deed dated June 1, 1907.

Whereas, In the matter of the application of the Elmira, Corning and Waverly Railway it appears: (1) that applicant was organized for the purpose of constructing and operating a line of railroad from the village of Waverly, N. Y., to the town of Corning, N. Y.; (2) that applicant has proceeded with the construction and equipment of its line from the village of Waverly to the city of Elmira, and is now operating the said line between such points; (3) that applicant has a contract providing for trackage rights over the lines of the Elmira Water, Light and Railroad Company from the end of the line heretofore constructed and equipped as aforesaid, and now proposes to enter into a contract with the Southern Tier Development Company for the construction, completion, and equipment of its railroad from a point on the line of said Elmira Water, Light and Railroad Company in the town of Elmira, to a point of connection with the Corning and Painted Post Street railway in the town of Corning, upon the terms and conditions set forth in said proposed contract, a copy of which is annexed to and filed with the petition herein; and

Whereas, The Elmira, Corning and Waverly Railway makes application by petition herein, under section 55 of the Public Service Commissions Law, for consent to issue its first mortgage bonds to the par value of $700,000, and proposes to deliver said bonds to the Southern Tier Development Company in full payment for the full performance of said contract by the development company, said bonds to be issued and delivered from time to time as required by the development company to an amount equal in par value to the amount theretofore expended by the development company in the performance of work under said proposed contract, the balance of the bonds authorized to be issued to be delivered when the railroad from the town of Elmira to the town of Corning is in a condition to operate cars over it as a single track railroad;

Ordered: 1. That the Elmira, Corning and Waverly Railway be and it is hereby authorized to issue 689 of its first mortgage 5 per cent gold

bonds, payable July 1, 1957, each bond of the par value of $1000, total par value of issue hereby authorized $689,000, upon the security of its first mortgage executed to the Standard Trust Company of New York on or about June 1, 1907, said bonds to be delivered to the Southern Tier Development Company on the basis of 97½ per cent of their par value, for the construction, completion, and equipment of said railroad by said development company as the construction progresses from the point aforesaid in the town of Elmira to the point aforesaid in the town of Corning, a distance approximately of 12 miles, in pursuance of the aforesaid proposed contract to be entered into with the Southern Tier Development Company and in accordance with the following purposes and no other: to wit, right of way, $65,000; excavation 150,000 cu. yds. at $0.45. $67.500; roads: repairing, constructing crossings, pavings, and fences, $47,400; concrete, $54,-550; castiron pipe, $4050; bridge iron, $23,890; piles, $6600; foundation excavation, $6675; track, $113,642; turnouts complete, $3000; stations, waiting rooms, etc., $5000; electric equipment, $212,218; engineering and contingencies, $60,925: total, $670,450; the purposes as above set forth being fully and particularly described in statements annexed to the petition for this authorization, and in a communication from applicant dated December 3, 1910, and in accord therewith except as to items entitled "bridge iron" and "electric equipment," the allowable expenditures therefor being respectively reduced from $35,440 and $222,999.30.

Ordered: 2. No portion of the proceeds of said bonds authorized for one purpose in the foregoing schedule shall be used for any other purpose, whether it be a purpose enumerated in said schedule or otherwise, without the further authorization of this Commission.

Ordered: 3. That in the opinion of the Commission the money, property, and labor to be procured or paid for by the issue of such bonds are reasonably required for the aforesaid purposes, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 4. That said Elmira, Corning and Waverly Railway shall make verified reports to this Commission as follows: (*a*) upon the delivery by it to the Southern Tier Development Company of the $689,000 in mortgage bonds hereby authorized to be issued or any of them, the fact of such delivery, in accordance with the terms of this order; (*b*) at the termination of each and every period of six months after the date of this order, the amount of construction and electric equipment as set forth in this order completed under said contract, giving reasonable details thereof; and that such reports shall be made until all of such expenditures have been made.

[Case No. 2005]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the matter of the Application of the FITCHBURG RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue $400,000 of preferred stock.

After hearing and deliberation it is

Ordered: 1. That the Fitchburg Railroad Company be and it hereby is authorized to issue four thousand shares of its preferred stock of the par value of one hundred dollars ($100) per share, pursuant to section 55 of the

Public Service Commissions Law, and to sell the same according to its stated desire at public auction, but at not less than par and for cash.

Ordered: 2. That the proceeds derived from the sale of the stock hereby authorized shall be used for the following purposes and none other: namely, the discharge of lawful obligations, to wit: an indebtedness to the Boston and Maine Railroad for certain securities of the Conway Electric Street Railway Company purchased for the Fitchburg Railroad Company, and for permanent additions to and improvements upon the railroad property of said Fitchburg Railroad Company made by said Boston and Maine Railroad pursuant to the terms of the lease of said property made June 30, 1900, amounting in all for both purposes above set forth to the sum of $504,262.76, as more fully described in the schedules annexed to and made a part of the petition herein.

Ordered: 3. That in the opinion of this Commission the money to be procured by the issue of such stock is reasonably required for the aforesaid purposes of the corporation, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 4. That the Fitchburg Railroad Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $400,000 preferred capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock and which shall be cash; (*b*) within six months from the date of this order, the disposition and use made of the proceeds of said preferred capital stock, in accordance with the terms of this order.

[Case No. 1639]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the matter of the Application of the CENTRAL NEW ENGLAND RAILWAY COMPANY for consent under subdivision 10 of section 8 of the Railroad Law to mortgage its property and franchises to secure an issue of bonds amounting to $25,000,000, and for consent under section 55 of the Public Service Commissions Law to issue bonds upon the security of said mortgage.

Whereas, On the 25th day of October, 1910, this Commission adopted a resolution consenting to the execution and delivery of a mortgage by the Central New England Railway Company to the Farmers Loan and Trust Company as trustee, to secure an issue of bonds to the aggregate amount of $25,000,000, and to issue bonds upon the security of said mortgage, on the condition that said corporation should modify in certain respects and amend its proposed mortgage; and

Whereas, The applicant, the Central New England Railway Company, has submitted a form of mortgage amended in accordance with the resolution above stated; now therefore it is

Ordered: 1. That said form of mortgage to the Farmers Loan and Trust Company as trustee, dated January 1, 1911, be and the same hereby is approved, and this Commission hereby consents to the issuance of said mortgage.

Ordered: 2. That the Central New England Railway Company be and it hereby is authorized to issue presently upon the security of said mortgage its bonds to the aggregate amount of $12,317,000, the proceeds thereof to be used for the following purposes and no others: (1) for the refunding of 1250 first mortgage 5 per cent bonds of $1000 each of the Central New England Railway Company issued January 23, 1899, due February 1, 1919, which bonds can be called presently at a premium of 5 per cent, $1,312,500; (2) for the refunding of the general mortgage income bonds and scrip of the Central New England Railway Company issued January 23, 1899, due February 1, 1949, $7,250,000; (3) for the refunding of 350 first mortgage 4½ per cent bonds of the Dutchess County Railroad Company for $1000 each, dated June 1, 1890, due June 1, 1940, $350,000; (4) for the refunding of income bonds of the Newburgh, Dutchess and Connecticut Railroad Company issued June 1, 1877, due June 1, 1977, $1,164,500; (5) for the refunding of 500 first mortgage 5 per cent bonds of the Poughkeepsie and Eastern Railway Company for $1000 each, issued November 1, 1892, due November 1, 1934, $500,000; (6) for the payment, discharge, or refunding of a portion of a demand note of the Central New England Railway Company dated February 28, 1910, held by The New York, New Haven and Hartford Railroad Company, $150,000; (7) for the discharge or refunding of a demand note of the said Central New England Railway Company for the principal sum of $1,590,000 dated March 1, 1910, $1,590,000: $12,317,000. This authorization is upon the following express terms and conditions: 1, that none of said bonds herein authorized shall be issued or disposed of for less than their face or par value; 2, that none of the said bonds shall be in any way pledged, hypothecated, or used as collateral security for any purpose whatsoever without the further consent and authorization of this Commission.

Ordered: 3. That in the opinion of this Commission the money to be procured by the issue of the aforesaid bonds is reasonably required for the purposes of the corporation specified in this order, and said purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 4. That said Central New England Railway Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $12,317,000 in mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than their face or par value; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said $12,317,000 in mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order, and that such reports shall be made until all the proceeds of said mortgage bonds have been expended in accordance with the terms of this order.

APPENDIX E

In the Matter of Fares, Rates, and Charges of Railroad Corporations.

APPENDIX E

[Case No. 376]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of the RESIDENTS OF ITHACA *against* ITHACA STREET RAILWAY COMPANY.

After due deliberation it is

Ordered: That the matter of the complaint of the residents of Ithaca against the Ithaca Street Railway Company as to rates of fare to and from East Ithaca railroad station be and hereby is dismissed, and the matter is hereby closed upon the records of this Commission.

[Case No. 1011]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Amended Complaint of the UTICA TRAFFIC BUREAU *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

The respondent in the above entitled proceeding having filed its tariff P. S. C., 2 N. Y., No. 7391, effective February 25, 1910, conceding substantially the relief demanded by complainant, and acknowledgment of satisfaction having been filed by the complainant herein,

Ordered: That this proceeding be and is hereby closed upon the records of this Commission.

[Case No. 1449]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of February, 1910.

Present:

FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Application under section 54 of the Public Service Commissions Law for approval of traffic agreement between UTICA AND MOHAWK VALLEY RAILWAY COMPANY and ONEIDA RAILWAY COMPANY.

After hearing and due deliberation it is

Ordered: That in the matter of the application for approval of traffic agreement between Utica and Mohawk Valley Railway Company, a New York state corporation, party of the first part, and Oneida Railway Company, a New York state corporation. party of the second part, dated December 20, 1909, a copy whereof was filed with this Commission January 4, 1910, the same be and hereby is approved.

[Case No. 1450]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District. held at the Capitol, Albany, on the 15th day of February, 1910.

Present:

FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Application under section 54 of the Public Service Commissions Law for approval of traffic agreement between SYRACUSE RAPID TRANSIT RAILWAY COMPANY and ONEIDA RAILWAY COMPANY.

After hearing and due deliberation it is

Ordered: That in the matter of the application for approval of traffic agreement between Syracuse Rapid Transit Railway Company, a New York state corporation, party of the first part, and Oneida Railway Company, a New York state corporation. party of the second part, dated December 20, 1909, a copy whereof was filed with this Commission January 4, 1910, the same be and hereby is approved.

[Cases Nos. 794, 809]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of NELSON HARPER AS SECRETARY OF THE WESTERN NEW YORK MILK PRODUCERS' ASSOCIATION *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, THE PENNSYLVANIA RAILROAD COMPANY, BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, ERIE RAILROAD COMPANY, and BUFFALO AND SUSQUEHANNA RAILWAY COMPANY; and

In the matter of the Complaint of FRANK K. VINE, CHAIRMAN OF THE ASSOCIATION OF MILK DEALERS OF THE CITY OF BUFFALO, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, THE PENNSYLVANIA RAILROAD COMPANY, BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, ERIE RAILROAD COMPANY, and BUFFALO AND SUSQUEHANNA RAILWAY COMPANY.

These cases having been duly heard, and due consideration having been had, it is

Ordered: That respondents, The Delaware, Lackawanna and Western Railroad Company, The New York Central and Hudson River Railroad Company, The Pennsylvania Railroad Company, Buffalo, Rochester and Pittsburgh Railway Company, and Erie Railroad Company, be and they severally are hereby directed and required to cease and desist prior to the 10th day of April, 1910, from further enforcing the advances in rates on milk and cream from points on their lines to Buffalo, covering distances up to 75 miles, which they made effective May 1, 1909, and which were, to wit, one-half cent per gallon on milk in 8- and 10-gallon cans, and one cent per gallon on cream in cans of 5 to 10 gallons, except as to The Delaware, Lackawanna and Western Railroad Company, which increased its cream rate from two and one-half cents to three cents per gallon, which said increased rates are found and declared by the Commission to have been and to be unjust and unreasonable.

It is further Ordered: That said respondents, The Delaware, Lackawanna and Western Railroad Company, The New York Central and Hudson River Railroad Company, The Pennsylvania Railroad Company, Buffalo, Rochester and Pittsburgh Railway Company, and Erie Railroad Company, be and they severally are hereby directed and required to cease and desist on and after the 10th of April, 1910, from charging rates for the said transportation of milk and cream to Buffalo for distances up to 75 miles, in excess of those following, to wit, one and one-half cents per gallon on milk in 8- and 10-gallon cans, and two and one-half cents per gallon on cream in cans of 5 to 10 gallons, the same having been found by the Commission to constitute just and reasonable maximum charges for such transportation.

It is further Ordered: That the rates hereby ordered may be made effective by said respondents, The Delaware, Lackawanna and Western Railroad Company, The New York Central and Hudson River Railroad Company, The

Pennsylvania Railroad Company, Buffalo, Rochester and Pittsburgh Railway Company, and Erie Railroad Company, upon three days' notice to the public and the Commission, and that the provisions of this order shall remain in effect for a period of at least three years from said 10th day of April, 1910, except as the same may be modified, superseded, or abrogated by the Commission.

It is further Ordered: That order in these proceedings be withheld as to the respondent, Buffalo and Susquehanna Railway Company, pending such further investigation as may appear to be required.

[Case No. 801]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

BRADFORD R. LANSING *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

After due deliberation it is

Ordered: That the complaint of Bradford R. Lansing against The New York Central and Hudson River Railroad Company upon the matter of fares on the Hudson division of The New York Central and Hudson River Railroad Company be and hereby is closed upon the records of this Commission, the respondent having issued for sale round-trip tickets between all stations on the Hudson division on the basis of two (2) cents per mile or less, in each direction, pursuant to special permission order No. 1391, granted by this Commission under date of March 4, 1910, and the complainant having thereupon withdrawn his complaint by communication under date of March 17, 1910.

[Case No. 1407]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of CRAWFORD BROTHERS and E. S. BRAMLEY *against* THE ULSTER AND DELAWARE RAILROAD COMPANY.

The complaint of Crawford Brothers and E. S. Bramley against The Ulster and Delaware Railroad Company having been brought to a hearing, and the complainants having failed to establish to the satisfaction of the Commission that the rates and charges complained of are unjust, unreasonable, or discriminatory,

Ordered: That said complaint be and hereby is dismissed, without prejudice however to the filing of another complaint against rates from Arkville to Fleischmanns.

[Case No. 1511]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the PRESIDENT AND TRUSTEES OF THE VILLAGE OF UNION, Broome county, and JAMES L. LUSK of said village *against* BINGHAMTON RAILWAY COMPANY as to passenger fare.

After due deliberation it is

Ordered: That the matter of the complaint of the president and trustees of the Village of Union, Broome county, and James L. Lusk of said village, against Binghamton Railway Company as to passenger fare, be and hereby is closed upon the records of this Commission, it appearing by a memorandum from W. E. Griggs, chief of the division of tariffs, dated April 15, 1910, that on April 4, 1910, the Binghamton Railway Company applied for special permission to change its round-trip ticket fares applying between Endicott and Union, removing therefrom the restriction that such tickets were good only for a continuous ride each way between the villages of Union and Endicott and the eastern terminus of the Binghamton, Lestershire and Union railroad, and that by virtue of such permission granted, the company has issued its tariff P. S. C. No. 3, filed April 13, 1910, for the purpose of satisfying the complaint in this case.

[Case No. 1653]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District. held at the Capitol, Albany, on the 23rd day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY as to filing and publishing tariffs.

After due deliberation it is

Ordered: That the application of The New York, New Haven and Hartford Railroad Company for leave to file and publish, to become effective five days after the filing thereof, the following tariffs: 1. Supplement No. 2 to P. S. C., 2 N. Y., No. 23; 2, Supplement No. 2 to P. S. C., 2 N. Y., No. 135; 3, Supplement No. 1 to P. S. C., 2 N. Y., No. 146; 4, Supplement No. 1 to P. S. C., 2 N. Y., No. 150; be and it is hereby denied.

[Case No. 1654]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY as to filing and publishing tariffs.

After due deliberation it is

Ordered: That the application of The New York, New Haven and Hartford Railroad Company for leave to file and publish, to become effective five days after the filing thereof, the following tariffs: 1, Supplement No. 1 to P. S. C., 2 N. Y., No. 147; 2, Supplement No. 1 to P. S. C., 2 N. Y., No. 148; 3, Supplement No. 1 to P. S. C., 2 N. Y., No. 149; 4, Supplement No. 1 to P. S. C., 2 N. Y., No. 152; be and the same is hereby denied.

[Case No. 1628]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of proposed changes in fares by THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY between points in this State and the city of New York.

The New York, New Haven and Hartford Railroad Company has filed tariffs proposing to increase its local and commutation passenger rates between Mount Vernon and other points in the State of New York and the city of New York, to become effective June 1, 1910, said tariffs having been filed with the Commission on or about April 30, 1910, thereby giving the full thirty days' notice to the Commission of such proposed rate changes as required by section 29 of the Public Service Commissions Law. It appeared, however, upon the hearing held before the Commission May 26, 1910, on the complaint of William P. Hickok and Buel J. Tallman against The New York, New Haven and Hartford Railroad Company, that the said new tariffs were not published at Mount Vernon and other stations on the line of The New York, New Haven and Hartford Railroad Company in this State on May 2, 1910, and that at some or all of said stations the tariffs were not filed with the agents at such stations until some time after May 2, 1910, and therefore that on June 1, 1910, the date when the said tariffs purport to take effect, the thirty days' publication at such stations would not and could not be had prior to said effective date.

On May 26, 1910, subsequent to said hearing, The New York, New Haven and Hartford Railroad Company, by Benjamin Campbell its vice-president,

filed application with the Commission for an order by this Commission permitting said The New York, New Haven and Hartford Railroad Company to restore and put into effect on and after June 1, 1910, by one day's publication at stations and filing with the Commission the tariffs on local and commutation passenger traffic between its stations in the State of New York and New York city in both directions which are now in force and will be in force up to June 1, 1910, reciting in the said application that it is based upon the special circumstances and conditions fully disclosed in the said hearing that day held in the case of Hickok and Tallman against The New York, New Haven and Hartford Railroad Company. In the said application The New York, New Haven and Hartford Railroad Company also asks permission to put in force on one day's notice to the Commission and one day's publication at stations its schedule numbered P. S. C., 2 N. Y., No. 23, which said schedule has been heretofore duly published at stations and supposed by the said railroad company to be in force and effect upon its lines but through error or omission had not been filed with the Commission and is not now on file in the office of the Commission.

It further appears to the Commission that the said new tariffs purporting to become effective June 1, 1910, and increasing the said local and commutation passenger fares between stations on the line of The New York, New Haven and Hartford Railroad Company in this State and New York city will not, through failure of the said company to publish the said tariffs at stations for the time required by law, become in legal effect and force on and after June 1, 1910, and must be held by the Commission under section 29 of the Public Service Commissions Law as not constituting tariffs showing legally established fares between the said stations and New York city, and to be on and after June 1, 1910, of no force and effect. It is further considered and held by the Commission that the fares between the said stations and New York city on the line of The New York, New Haven and Hartford Railroad Company now in force and effect will continue to be in force and effect on and after June 1, 1910, notwithstanding the filing with the Commission and partial publication of said new tariffs at stations, and that no order of the Commission is necessary to permit the restoration and putting in effect of the said tariffs now in force on and after June 1, 1910. Now therefore, upon due consideration of the matters involved, it is

Ordered: That the said proposed new tariffs filed by the said The New York, New Haven and Hartford Railroad Company, to become effective June 1, 1910, shall be regarded by the said The New York, New Haven and Hartford Railroad Company, and because of its failure to comply with the requirement of section 29 of the Public Service Commissions Law with the condition of publication therein prescribed, on and after June 1, 1910, of no force and effect whatsoever, and that all cancellations filed by the said The New York, New Haven and Hartford Railroad Company of tariffs now in force, and naming fares between stations in the State of New York and New York city in both directions, the same not having been published at stations for the time required by the statute, shall be likewise regarded by the said The New York, New Haven and Hartford Railroad Company as without force and effect on and after June 1, 1910.

It is further Ordered: That on and after June 1, 1910, the said The New York, New Haven and Hartford Railroad Company shall continue to charge the fares duly established and set forth in its tariffs now in effect showing passenger fares between stations on its line in the State of New York and New York city in each direction until the said tariffs shall have been duly superseded by tariffs filed with the Commission and published at stations under notice of proposed changes duly filed with the Commission and published at stations for the time required by section 29 of the Public Service Commissions Law; provided however that nothing herein contained shall be deemed to prevent The New York, New Haven and Hartford Railroad Company from filing and publishing new tariffs setting forth fares on local and commutation passenger traffic between said stations and New York city to become effective thirty days after such filing with the Commission and such publication at stations.

It is further Ordered: That The New York, New Haven and Hartford Railroad Company be and is hereby permitted to establish and put in effect on one day's notice filing with the Commission and publishing at stations its commutation passenger and round-trip rates set forth in its tariff numbered P. S. C., 2 N. Y., No. 23.

[Case No. 1610]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the GENERAL ELECTRIC COMPANY of Schenectady, N. Y., *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to freight charges.

Ordered: That the matter of the complaint of the General Electric Company of Schenectady against The New York Central and Hudson River Railroad Company as to freight charges be and the same is hereby closed upon the records of this Commission, it appearing by letter from Richmond Moot, attorney for the General Electric Company, dated June 2, 1910, and received by this Commission June 3, 1910, that the matter complained of has been corrected and that no further action on the part of the Commission in the case is necessary.

[Case No. 1623]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

C. E. SHEPARD *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and the LEHIGH VALLEY RAILROAD COMPANY.

After due hearing and deliberation it is

Ordered: In the matter of the complaint of C. E. Shepard against The New York Central and Hudson River Railroad Company and Lehigh Valley Railroad Company, that the opinion prepared by Commissioner Decker be and is hereby approved and directed to be printed, and that in view of the changes in rates as set forth in said opinion said complaint be and it is hereby dismissed.

[Case No. 1665]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of EDWIN W. FISKE, individually and as mayor of the City of Mount Vernon, *against* THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

After due deliberation it is

Ordered: That the matter of the complaint of Edwin W. Fiske, individually and as mayor of the City of Mount Vernon, against The New York, New Haven and Hartford Railroad Company, be and the same is hereby closed upon the records of this Commission, the complainant having filed a new complaint in the matter, Case No. 1676, following suggestion contained in letter dated June 1, 1910, and addressed to Mr. Joseph S. Wood, attorney for the complainant, No. 25 South 4th avenue, Mount Vernon, N. Y.

[Case No. 1326]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Complaint of RESIDENTS OF THE TOWN OF CORTLAND, Westchester county, AND THE TOWN OF PUTNAM VALLEY, Putnam county, *against* PUTNAM AND WESTCHESTER TRACTION COMPANY as to rate of fare, number of cars run, and lack of shelter station at Oregon Terminal.

After due deliberation it is

Ordered: That the matter of complaint of residents of the town of Cortland, Westchester county, and the town of Putnam Valley, Putnam county, against Putnam and Westchester Traction Company, as to rate of fare, number of cars run, and lack of shelter station at Oregon Terminal, be and the same hereby is closed upon the records of this Commission, it appearing by letter from J. Bennett Southard, attorney for complainants, dated June 13, 1910, and received by this Commission June 14, 1910, that it would be satisfactory to him to have the case closed.

[Case No. 62]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of OTTO HUFELAND, individually and as President of the Taxpayers Association of the Fourth Ward of the City of Mount Vernon, *against* NEW YORK AND HARLEM RAILROAD COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to passenger rates and service between Mount Vernon and New York city.

After due deliberation it is

Ordered: That the matter of the complaint of Otto Hufeland, individually and as president of the Taxpayers Association of the Fourth Ward of the City of Mount Vernon, against the New York and Harlem Railroad Company and The New York Central and Hudson River Railroad Company, as to passenger rates and service between Mount Vernon and New York city, be and the same is hereby closed upon the records of this Commission.

[Case No. 199]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the CITY OF MOUNT VERNON, a municipal corporation, *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY in relation to train service on the Harlem division and commutation tickets in use thereon.

After due deliberation it is

Ordered: That the matter of the complaint of the City of Mount Vernon, a municipal corporation, against The New York Central and Hudson River Railroad Company in relation to train service on the Harlem division and commutation tickets in use thereon, be and the same is hereby closed upon the records of this Commission.

[Case No. 202]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of WILLIAM H. BENJAMIN *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to passenger train service on the Hudson division and as to commutation tickets.

After due deliberation it is

Ordered: That the matter of the complaint of William H. Benjamin against The New York Central and Hudson River Railroad Company as to passenger train service on the Hudson division and as to commutation tickets, be and the same is hereby closed upon the records of this Commission.

[Case No. 229]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF OSSINING, IRVINGTON, DOBBS FERRY, HASTINGS, and YONKERS *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, regarding rates of fare and inadequate service.

After due deliberation it is

Ordered: That the matter of the complaint of the residents of Ossining, Irvington, Dobbs Ferry, Hastings, and Yonkers against The New York Central and Hudson River Railroad Company, regarding rates of fare and inadequate service, be and the same is hereby closed upon the records of this Commission.

[Case No. 244]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the RESIDENTS ON THE NEW YORK AND HARLEM DIVISION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

After due deliberation it is

Ordered: That the matter of the complaint of the residents on the New York and Harlem division of the New York Central and Hudson River railroad against The New York Central and Hudson River Railroad Company be and the same is hereby closed upon the records of this Commission.

[Case No. 289]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of various complaints against THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY relative to service and commutation rates.

After due deliberation it is

Ordered: That the matter of the various complaints against The New York Central and Hudson River Railroad Company relative to service and commutation rates, filed with this Commission by Charles H. Kelly, M. P. Frutchey, Mt. Pleasant Cemetery Association, Hamilton Fish, William H. Stevens, George P. Ord, Harry D. Nims, John R. Healy, F. H. Wicks, S. L. Angell, John Wirth, Dr. Russell Bellamy, Howard M. Kerr, Charles L. Downes, J. Ackerly, F. W. Reed, Samuel Fisher, Kenith B. Emerson, Walter Buck, L. O'Mally, S. A. Everits, A. T. Elsworth, E. S. McCrary, V. D. Black, J. J. Woodriff, be and the same hereby are closed upon the records of this Commission, The New York Central and Hudson River Railroad Company having filed a passenger tariff changing and amending the rates against which the complaints herein were directed, same to take effect July 1, 1910, and having amended the schedules and changed the running time of its trains to such an extent that the said complaints, in so far as they refer to the running time of trains, can not properly be considered.

[Case No. 702]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the complaint of RESIDENTS OF THE TOWN OF AMHERST, Erie county, *against* BUFFALO AND WILLIAMSVILLE ELECTRIC RAILWAY COMPANY as to passenger fare.

After due deliberation it is

Ordered: That the complaint of residents of the town of Amherst, Erie county, against Buffalo and Williamsville Electric Railway Company as to passenger fare be and the same hereby is closed upon the records of this Commission, it appearing by letter from Jacob Stern, attorney for complainants, dated June 20, 1910, and received by this Commission June 21, 1910, that the complainants do not desire to proceed further with the matter and that they are satisfied to have the case closed.

[Case No. 648]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22d day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of the BUSINESS MEN'S ASSOCIATION OF TICONDEROGA *against* THE DELAWARE AND HUDSON COMPANY as to passenger fare between Ticonderoga and Fort Ticonderoga.

The Business Men's Association of Ticonderoga, New York, having heretofore filed a complaint against The Delaware and Hudson Company, alleging that the passenger fares charged by that company upon the road operated by it between the village of Ticonderoga and Fort Ticonderoga are unjust and unreasonable, and said complaint having been served upon the respondent, The Delaware and Hudson Company, as required by section 48 of the Public Service Commissions Law, and an answer having been interposed thereto by the said respondent, and a hearing having been had upon said complaint; and it appearing by said complaint, answer, and hearing that the rate of passenger fare charged by said respondent between the village of Ticonderoga and Fort Ticonderoga is the sum of twenty-five cents for each passenger one way, the Commission finds as a matter of fact that the said charge of twenty-five cents for transporting one passenger one way between the said two points is unjust and unreasonable; and it further finds as a matter of fact that a just and reasonable rate, fare, and charge to be charged by the said respondent, The Delaware and Hudson Company, between the village of Ticonderoga and Fort Ticonderoga is the sum of fifteen cents; now therefore it is

Ordered: That this Commission is of opinion that the charge by the said respondent, The Delaware and Hudson Company, of twenty-five cents for the transportation of a passenger one way between the village of Ticonderoga and Fort Ticonderoga is unjust and unreasonable, and that it determines that the just and reasonable rate, fare, and charge to be hereafter observed and in force as the maximum to be charged by the said The Delaware and Hudson Company for transporting one passenger one way between the village of Ticonderoga and Fort Ticonderoga shall be and is the sum of fifteen cents, and hereby fixes the said sum as the just and reasonable rate, fare, and charge to be made by the said respondent, The Delaware and Hudson Company, for such service.

It is further Ordered: That the said The Delaware and Hudson Company be and hereby is directed and required to forthwith file with this Commission a schedule showing the rate, fare, and charge herein required, and file and publish the said schedule as required by sections 28 and 29 of the Public Service Commissions Law; that the said schedule or tariff shall provide that the said schedule or tariff shall go into force and effect on the 11th day of July, 1910, and shall be by said company duly filed and published on or before the 9th day of July, 1910, to the end that the fares, rates, and charges now exacted by the said respondent for such service shall cease and discontinue on the 11th day of July, 1910.

It is further Ordered: That this order shall take effect immediately upon the service of a certified copy thereof upon said The Delaware and Hudson Company and shall continue in force and effect until July 11, 1912.

It is further Ordered: That the said The Delaware and Hudson Company shall within five days after the service upon it of a certified copy of this order notify this Commission whether the terms of this order are accepted and will be obeyed.

It is further Ordered: That the opinion of Commissioner Stevens prepared in this matter be and hereby is adopted and shall be published as the opinion of the Commission.

[Case No. 1507]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of MILTON J. WHEDON AS PRESIDENT OF THE MEDINA DAILY JOURNAL *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, asking for the establishment of similar rates of passenger transportation between Medina and Buffalo and Medina and Rochester.

Ordered: That the complaint of Milton J. Whedon as President of the Medina Daily Journal against The New York Central and Hudson River Railroad Company be and hereby is dismissed, and that the opinion prepared by Commissioner Stevens be and hereby is adopted as the opinion of the Commission.

[Case No. 648]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the BUSINESS MEN'S ASSOCIATION OF TICONDEROGA *against* THE DELAWARE AND HUDSON COMPANY as to passenger fare between Ticonderoga and Fort Ticonderoga.

In the above entitled matter the respondent, The Delaware and Hudson Company, has filed with this Commission an application for a rehearing, pursuant to section 22 of the Public Service Commissions Law.

The first ground of error alleged by the applicant is "That on the facts before the Commission the defendant herein was and is in the enjoyment of a contract right to charge not exceeding twenty-five cents fare for each passenger transported over said Ticonderoga railroad, of which contract right it can not be deprived by a decision and order of this Commission." The Commission finds that no evidence was submitted to it tending to support the claim of any such contract right. The statutes of the State, which authorized the respondent to charge not exceeding the sum of twenty-five cents fare for each passenger, were not contracts with the respondent or with the Ticonderoga Railroad Company. They were mere authorizations to charge not exceeding the sum named.

The second error alleged in said application is "That the Ticonderoga Railroad Company is interested in the revenue derived from the carrying of passengers over said railroad; it was authorized by an act of the legislature of the State of New York to charge not exceeding twenty-five cents passenger fare for each passenger carried over said railroad; it contracted with the defendant herein for the operation of said railroad on the faith of said act of the legislature; its share of the revenue derived from such operation depends in part upon the rate of passenger fare on said railroad; it is a necessary party to any proceeding having for its object the reduction of said rate of fare and it was error for the Public Service Commission to order and require a reduction in the rate of said fare thereon without causing said Ticonderoga Railroad Company to be made a party to this proceeding and giving said company a right to be heard in the matter of said reduction." It appears from the evidence in the case that the Ticonderoga Railroad Company leased its railroad to the respondent, The Delaware and Hudson Company, for a certain percentage or part of the proceeds. That in and by the terms of said lease The Delaware and Hudson Company was at entire liberty to charge such rates of fare as it might elect not exceeding certain rates. There is no agreement in said lease that said The Delaware and Hudson Company should charge any particular rate of fare. It was assumed by the Commission that the respondent might charge twenty-five cents for each passenger under the authorization given by the legislature to the Ticonderoga Railroad Company to charge that sum. By the lease the rates and fares to be charged by the respondent are left wholly to its discretion. For this reason the Ticonderoga Railroad Company is not a necessary party to the proceeding; the only necessary party to the proceeding is the respondent, The Delaware and Hudson Company, which is the company making the charge. The Commission therefore sees no ground of error in its determination that the Ticonderoga Railroad Company is not a necessary party to the proceeding.

The third ground of error alleged in said application is as follows: "Such decision and order are erroneous in that the legislature of the State of New

York having fixed and established a rate of passenger fare on the Ticonderoga railroad at not exceeding twenty-five cents, such rate is presumed to be a reasonable rate and can not be changed except by the legislature itself. The legislature can not delegate to any subordinate administrative body the power to reduce or change a rate which has been fixed and established by the legislature." The legislature has never fixed a rate which must be charged by the respondent on the Ticonderoga railroad. It did, many years since, authorize the Ticonderoga Railroad Company to charge not exceeding a certain sum. It did not at any time declare or determine that any particular sum was reasonable. By the Public Service Commissions Law it empowered this Commission to inquire into the reasonableness of all rates and fares charged by the respondent, not excepting the one in question. Section 49 of the Public Service Commissions Law expressly authorizes this Commission to fix a maximum rate "notwithstanding that a higher rate, fare or charge has been heretofore authorized by statute". The Commission is entirely unable to comprehend how one legislature can restrict the powers of subsequent legislatures except by some act in the nature of a contract which can not be violated.

Sufficient reason has not been made to appear why a rehearing should be granted in this case.

The respondent also asks that the operation of the order made by this Commission in this matter be suspended until said order has been judicially reviewed. The ground upon which suspension is asked is practically stated in two sentences of the affidavit submitted, which are as follows: "For the purpose of ascertaining such surplus (from which the rental of the Ticonderoga railroad is to be paid) The Delaware and Hudson Company is chargeable with such amount of revenue as it would have derived or received had the passenger fare mentioned in said contract, twenty-five cents, been collected, if it is determined on a judicial review of said order reducing the rate it is invalid. In that event The Delaware and Hudson Company will be chargeable in its accounting with the Ticonderoga Railroad Company at the rate of twenty-five cents for each passenger when because of such order it is only permitted to charge fifteen cents."

An examination of the lease or contract between The Delaware and Hudson Company and the Ticonderoga Railroad Company fails to disclose any provision by which The Delaware and Hudson Company is required to charge twenty-five cents for each passenger. The proper construction of the contract is that it is at liberty to charge any fare that it sees fit, subject only to the restrictions imposed by law and the maximum amounts mentioned in the contract. The restriction imposed by the order of this Commission that it shall charge not exceeding fifteen cents is believed to be entirely lawful. If the order should be suspended during the period required for a judicial review, people having occasion to avail themselves of the services of the railroad company between Ticonderoga village and Fort Ticonderoga would be charged what the Commission deems to be an unreasonable sum in excess of the reasonable fare, to wit, ten cents for each ride, and whether or not they possess any theoretical right to recover the same, practically it would be unavailable. No reason appears why the operation of the order should be suspended; therefore

Ordered: That the application of the respondent, The Delaware and Hudson Company, for a rehearing in this case be and hereby is denied, and that its further application for a suspension of the order made and entered in this case during the pendency of proceedings for a review of such order be and hereby is also denied. That the date for the taking effect of the new schedule or tariff be and hereby is changed from July 11, 1910, to July 18, 1910, and the date for filing and publishing the new schedule or tariff be and hereby is changed from on or before July 9, 1910, to on or before July 16, 1910, in order to allow the respondent to sue out a writ of certiorari before that date if it so desires.

[Case No. 1565]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Patrons of WESTERN NEW YORK AND PENNSYLVANIA TRACTION COMPANY against said company relative to passenger fare charged between Olean and Allegany.

Whereas, The complaint herein alleges that the respondent is charging the sum of ten cents as a single trip passenger fare between the village of Allegany and the city of Olean, an alleged distance of four miles, which said amount is alleged to be unreasonable and excessive; and

Whereas, Said complaint also alleges that the service between said points is unjust, improper, and inadequate; and

Whereas, Upon the hearing no testimony was given by complainants to show that said service was insufficient, but evidence was given by the respondent upon the said hearing showing that it was running at the present time twenty-four cars each way per day between Olean and Allegany on six days in the week, and twenty-six cars on Saturday; and

Whereas, Upon said hearing it appeared that the respondent is now selling for fifteen cents, and using upon its line, a round-trip ticket between said points, which is sold at several public places in the city of Olean and in the village of Allegany, unlimited as to time or person using the same, and is also selling and using upon its said line school ticket books at half rates for children attending school, each of which said tickets entitles the passengers riding thereon a transfer privilege in the city of Olean on all lines operating in said city, and enables such passenger to ride from the corporation line in the city of Olean on the east or south to the Back Five Mile Road west of the corporation limits in the village of Allegany, a maximum distance of about six miles, with the said privilege of transfer;

Ordered: That the complaint herein be held as not sustained, and that said complaint be and it is hereby dismissed.

[Case No. 716]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF NISKAYUNA, Schenectady county, AND OF THE TOWN OF COLONIE, Albany county, *v.* SCHENECTADY RAILWAY COMPANY as to rate of fare.

A complaint having been filed with this Commission by five residents and property owners along the line of the Schenectady Railway Company, asking that said company change its rate of fare between the city of Schenectady

and Stop 8, and a hearing having been had upon said application; and it appearing from the evidence that the Schenectady Railway Company since 1902 had divided its district between the city of Albany and the city of Schenectady into five zones, and that the first zone extends from the city of Schenectady to Stop No. 6, a distance of 4.26 miles; and that said applicants desire that a five-cent fare should be extended from the city of Schenectady to Stop 8, a distance of 5.2 miles; and it also appearing that a number of residents of this section are opposed to the change as it would result in increasing the fare from the city of Albany to Stop No. 6; and a petition having been filed with this Commission signed by 27 persons in opposition; and due deliberation having been had upon said matter,

Ordered, That it does not satisfactorily appear to the Commission that the fare charged from the city of Schenectady to Stop No. 8 is unreasonable, and that the complaint therefore be and hereby is dismissed.

[Case No. 1707]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

HERBERT E. ANGELL, petitioner and complainant, *against*
THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY (Harlem division), defendant.

Ordered: That the complaint of Herbert E. Angell against The New York Central and Hudson River Railroad Company (Harlem division) be and the same is hereby dismissed, in so far as relates to commutation charges, in accordance with the direction of this Commission made at an adjourned hearing in the matter held July 5, 1910.

[Case No. 1708]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

HERBERT E. ANGELL, petitioner and complainant, *against*
THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY (Hudson division), defendant.

Ordered: That the complaint of Herbert E. Angell against The New York Central and Hudson River Railroad Company (Hudson division) be and the same is hereby dismissed, in so far as relates to commutation charges, in accordance with the direction of this Commission made at an adjourned hearing in the matter held July 5, 1910.

[Cases Nos. 644, 650]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of HENRY INTERMAN *vs.* ROCHESTER RAILWAY COMPANY relative to reduction of passenger fare on the Sea Breeze line and inadequate service on Saturdays and Sundays; and

In the matter of the complaint of residents of ROCHESTER *vs.* ROCHESTER RAILWAY COMPANY as to reduction of passenger fare on the Sea Breeze line of said company.

Henry Interman and the citizens of Rochester, N. Y., having heretofore filed complaints (Cases 644 and 650) against the Rochester Railway Company, alleging that the passenger fares charged by that company upon the road operated by it upon what is known as the Sea Breeze line are unjust and unreasonable, said complaint having been served upon the respondent as required by section 48 of the Public Service Commissions Law; and the Rochester and Suburban Railway Company having intervened in the matter and filed answers to said complaints; and a hearing having been had upon said complaints; and it appearing by the complaint, answer, and testimony given at the hearing that the rate of passenger fare charged by said respondent between the city line of the city of Rochester and the terminus of the line of the Rochester Railway Company at Sea Breeze on Lake Ontario is the sum of ten cents for each passenger one way, the Commission finds as a matter of fact that the said charge of ten cents for transporting one passenger one way between the above mentioned points is unjust and unreasonable; and further, that as a matter of fact, that a just and reasonable rate, fare, and charge to be charged by the said respondent between the above mentioned points is the sum of five cents; now therefore

Ordered: 1. That this Commission is of the opinion that the charge made by respondent, Rochester Railway Company, of ten cents for the transportation of a passenger one way between the city line of the city of Rochester and the terminus of the line of the Rochester Railway Company at Sea Breeze on Lake Ontario, in the town of Irondequoit, or between any points intermediary thereof, is unjust and unreasonable; and that it determines that a just and reasonable rate, fare, and charge to be hereafter observed and enforced as the maximum to be charged by the said Rochester Railway Company for transporting one passenger one way in either direction between the city line of the city of Rochester and the terminus of the line of the Rochester Railway Company at Sea Breeze, and between any points intermediary thereof, shall be and is the sum of five cents; and hereby fixes the said sum as the just and reasonable rate, fare, and charge to be made by the said respondent, Rochester Railway Company, for such service.

Ordered: 2. That this order shall take effect August 1, 1910.

Ordered: 3. That the respondent shall notify this Commission on or before July 25, 1910, whether the terms of this order are accepted and will be obeyed.

[Case No. 1706]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

THOMAS G. HALL, petitioner and complainant, *against* THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, defendant.

Ordered: That the complaint of Thomas G. Hall against The New York, New Haven and Hartford Railroad Company be and the same hereby is dismissed so far as it relates to commutation charges, in accordance with the direction of the Commission at an adjourned hearing in the matter held July 5, 1910.

[Case No. 562]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of WILLIAM S. LODGE *against* UNITED TRACTION COMPANY.

Ordered: In the matter of the complaint of William S. Lodge against United Traction Company, that the opinion prepared by Commissioner Decker be and is hereby adopted as the opinion of the Commission, and directed to be printed; and that said complaint be and it is hereby dismissed.

[Case No. 1816]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of E. ALFRED ERICSSON of Port Chester, N. Y., *against* THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY as to commutation rates, family trip tickets, and way fare rates between Port Chester and New York.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to said The New York, New Haven and Hartford Railroad Company and that the matters complained of be satisfied by said company, or that the charges in said complaint be answered in writing within ten days from the service upon said company of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of said company shall be filed with the Secretary of this Commission at Albany, and a copy of said answer shall be served by said company, either personally or by mail, upon DeWitt H. Lyon, attorney complainant, at his postoffice address, First National Bank Building, Port Chester, N. Y.; that proof of such service shall be filed with the Secretary of this Commission, and attorney for complainant shall notify the Secretary of receipt of a copy of said answer.

[Case No. 1825]

State of New York.
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of August, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of The Hovey Fruit and Ice Company *v.* The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to said The New York Central and Hudson River Railroad Company and to the said The Delaware and Hudson Company, and that the matters complained of be satisfied by said companies or that the charges in said complaint be answered in writing within ten days from the service upon each of said companies of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answers of said companies shall be filed with the Secretary of this Commission at Albany, and a copy of said answers shall be served by said companies either personally or by mail, upon C. A. Hovey, president complainant, at his postoffice address, Glens Falls, N. Y.; that proof of such service shall be filed with the Secretary of this Commission, and president for complainant shall notify the Secretary of receipt of a copy of said answers.

[Case No. 1826]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of MILTON J. WHEDON AS PRESIDENT OF THE MEDINA DAILY JOURNAL *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and BUFFALO, LOCKPORT AND ROCHESTER RAILWAY COMPANY, for a change of passenger rates between Medina and Rochester.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to each The New York Central and Hudson River Railroad Company and Buffalo, Lockport and Rochester Railway Company, and that the matters complained of be satisfied by each of said companies respectively, or that the charges in said complaint be answered in writing by each of said companies respectively within twenty days from the service upon each of said companies of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answers of each of said companies shall be filed with the Secretary of this Commission at Albany, and a copy of each of said answers shall be served by each of said companies respectively, either personally or by mail, upon L'Hommedieu & Whedon, attorneys complainant, at their postoffice address, Medina, N. Y.; that proof of such service shall be filed with the Secretary of this Commission by each of said companies respectively, and representatives of complainant shall notify the Secretary of receipt of a copy of each of said answers.

[Case No. 1834]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District. held at the Capitol, Albany, on the 27th day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of J. A. SCOBELL of Cape Vincent, N. Y., *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to rates on products of the forest, such as lumber, etc.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to said The New York Central and Hudson River Railroad Company, and that the matters complained of be satisfied by said company, or that the charges in said complaint be answered in writing within ten days from the service upon said company of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of said company shall be filed with the Secretary of this Commission at Albany, and a copy of said answer shall be served by said company, either personally or by mail, upon complainant at his postoffice address, Cape Vincent, N. Y.; that proof of such service shall be filed with the Secretary of this Commission, and complainant shall notify the Secretary of receipt of a copy of said answer.

[Case No. 1838]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission. Second District, held at the Capitol, Albany, on the 29th day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of SAMUEL D. MILLER of Rensselaer, N. Y., *against* UNITED TRACTION COMPANY, concerning transfers.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to said United Traction Company, and that the matters complained of be satisfied by said company, or that the charges in said complaint be answered in writing within twenty days from the service upon said company of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of said company shall be filed with the Secretary of this Commission at Albany, and a copy of said answer shall be served by said company, either personally or by mail, upon Samuel D. Miller, M.D., at his office and postoffice address, 1527 Third street, Rensselaer, N. Y.; that proof of such service shall be filed with the Secretary of this Commission, and complainant shall notify the Secretary of receipt of a copy of said answer.

[Case No. 1676]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission. Second District, held at the Capitol, Albany, on the 6th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

EDWIN W. FISKE, INDIVIDUALLY AND AS MAYOR OF THE CITY OF MOUNT VERNON, plaintiff, *against* THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, defendant, as to passenger fares.

After due deliberation it is

Ordered: That the matter of the complaint of Edwin W. Fiske, individually and as mayor of the City of Mount Vernon, against The New York, New Haven and Hartford Railroad Company as to passenger fares (Case 1676), be and the same hereby is closed upon the records of this Commission,

a new complaint similarly entitled, numbered 1728, having been substituted therefor and filed July 5, 1910.

[Case No. 1689]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

EDWIN W. FISKE, INDIVIDUALLY AND AS MAYOR OF THE CITY OF MOUNT VERNON, plaintiff, *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, defendant, as to passenger fares.

After due deliberation it is

Ordered: That the matter of the complaint of Edwin W. Fiske, individually and as mayor of the City of Mount Vernon, against The New York Central and Hudson River Railroad Company as to passenger fares (Case 1689), be and the same hereby is closed upon the records of this Commission, a new complaint similarly entitled, numbered 1727, having been substituted therefor and filed July 5, 1910.

[Case No. 1758]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of the BOARD OF TRUSTEES OF THE VILLAGE OF WAPPINGERS FALLS *against* POUGHKEEPSIE CITY AND WAPPINGERS FALLS ELECTRIC RAILWAY COMPANY as to rate of fare charged between Wappingers Falls and Poughkeepsie.

After due deliberation it is

Ordered: That the matter of the complaint of the board of trustees of the Village of Wappingers Falls against the Poughkeepsie City and Wappingers Falls Electric Railway Company as to rate of fare charged between Wappingers Falls and Poughkeepsie be and the same is hereby closed upon the records of this Commission, the hearing held in the matter on September 19, 1910, having resulted in the relief demanded by the complainants.

[Case No. 647]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of Liverpool Business Men's Association *against* Syracuse Rapid Transit Railroad Company as to passenger fare and service.

After due deliberation it is

Ordered: That the matter of the complaint of Liverpool Business Men's Association against the Syracuse Rapid Transit Railroad Company as to passenger fare and service be and the same hereby is closed upon the records of this Commission, the matter having been settled by concession of the relief demanded in the complaint.

[Case No. 1611]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of October, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of O. P. Odell and Others *against* Syracuse, Lake Shore and Northern Railroad Company.

This case having been duly heard, and full consideration of the matters and things involved herein having been had, and the Commission being of the opinion that the action of respondent on May 11, 1910, in increasing its passenger fare from five cents to ten cents between Stop 26 and Fulton, N. Y., was unreasonable and unjust, and that said fare of ten cents as charged by respondent between Stop 26 and Fulton is now unreasonable and unjust; it is

Ordered: That the Syracuse, Lake Shore and Northern Railroad Company be and it is hereby directed to cease and desist, on or before the 15th day of November, 1910, from charging any greater fare than five cents for the transportation of single passengers between its present Stop No. 26 and Fulton, N. Y., which said fare of five cents for such transportation is found and hereby declared by this Commission to be reasonable and just, upon the record as made in this case.

It is further Ordered: That this order shall continue in force for a period of three years from said 15th day of November, 1910, except as the same may within that time be changed or abrogated by the Commission.

It is further Ordered: That said Syracuse, Lake Shore and Northern Railroad Company shall notify this Commission in writing, on or before the 10th day of November, 1910, whether said company accepts and will obey the terms of this order.

[Case No. 619]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

FRANCIS P. LITHGOW *against* COHOES RAILWAY COMPANY, relative to passenger fare between the cities of Albany and Rensselaer.

This case having been duly heard and submitted, and it appearing to the Commission after full consideration that the act of the Legislature of the State of New York, chapter 358 of the laws of 1905, known as the Barnes Act, and entitled "An act for the regulation of fares of electric railroads in and between the cities of Rensselaer and Albany, New York, and to provide for the use of transfer tickets thereon," applies to the respondent, Cohoes Railway Company, and that it is the duty of this Commission under the Public Service Commissions Law to require and secure observance by said respondent of the provisions in said act limiting the one-way passenger fare between the city of Rensselaer and the city of Albany in each direction to five cents per passenger, and of the other provisions of said act; it is

Ordered: That the respondent, Cohoes Railway Company, be and is hereby directed and required forthwith to obey and fully conform to the provisions of chapter 358 of the laws of 1905, entitled "An act for the regulation of fares of electric railroads in and between the cities of Rensselaer and Albany, New York, and to provide for the use of transfer tickets thereon," including the prohibition in said act against the exaction of more than five cents per passenger as total compensation for the transportation of passengers in each direction between the city of Rensselaer and the city of Albany, and without any additional charge whatsoever for any part of the service embraced in such transportation or described in said act.

It is further Ordered: That the Cohoes Railway Company be and it is hereby required to notify this Commission in writing, promptly after service of certified copy of this order upon it, whether it accepts and will obey this order, and the filing of such notice is hereby required prior to the 10th day of December, 1910.

[Case No. 619]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

FRANCIS P. LITHGOW *against* COHOES RAILWAY COMPANY, relative to passenger fare between the cities of Albany and Rensselaer.

The Commission having on the 22nd day of November, 1910, decided that an act of the Legislature of the State of New York, chapter 358 of the laws of

1905, effective May 1, 1905, known as the Barnes Act, applies to respondent, Cohoes Railway Company, and thereunder that respondent is restricted to charging not more than five cents for the transportation of single passengers between the cities of Albany and Rensselaer, including transportation over the bridge across the Hudson river used by respondent in the carriage of such passengers, and formally issued its order on the date aforesaid requiring the respondent to conform to and obey the provisions of said act; and the respondent having on the 1st day of December, 1910, filed an application for rehearing, and hearing upon said application for rehearing having been had at the office of the Commission in Albany on the 5th day of December, 1910, *Messrs. Lewis E. Carr* and *P. C. Dugan* appearing for the respondent in support of the application, and *Mr. P. E. DuBois* appearing for complainant in opposition thereto; and it appearing to the Commission from said application and hearing thereon that:

1. The respondent company has never put into effect the said five-cent fare prescribed by the said Barnes Act of 1905, but has, notwithstanding the enactment thereof, continued to and does now charge six cents for the transportation of passengers between the cities of Albany and Rensselaer.

2. The respondent contends that enforcement of said Barnes Act will prove confiscatory.

3. The Legislature of the State of New York has by passage of the Barnes Act determined that the said prescribed maximum fare of five cents between the cities of Albany and Rensselaer over respondent's railway is not confiscatory.

4. This raises an issue of fact which can only be determined accurately by putting the prescribed fare in force, which has not as yet been done.

5. When the Legislature by enactment of a statute determines the question of fact as to the sufficiency of a fare thereby prescribed, this Commission should not assume under section 49 of the Public Service Commissions Law to pass upon such question in a case showing only potential considerations and a possible result as in the nature of a forecast of what the fare prescribed by the Legislature may accomplish, but on the contrary it should refrain from passing upon such question until after proper trial of such prescribed fare in application by the carrier the actual results of the said fare if continued in force can be ascertained.

6. The Commission therefore should refuse a rehearing for the purpose of trying the issue of fact unless by actual application the effect of the act of the Legislature shall be indicated.

7. If the results of a trial of the maximum fare prescribed by the Legislature are believed by the company to demonstrate that said prescribed fare is unreasonable and unjust in that it is insufficient to yield reasonable compensation for the service rendered, the company can then present its petition to the Commission for an order under section 49 of the Public Service Commissions Law.

Upon the foregoing considerations and all of the conditions presented in this matter upon said application for rehearing, it is

Ordered: That respondent's application for rehearing in this proceeding be and is hereby denied.

[Case No. 1868]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of C. J. HAZEN of Carmel, N. Y., *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, and as lessee of the New York and Putnam railroad and the New York and Harlem railroad, as to freight rates.

Ordered: That the matter of the complaint of C. J. Hazen of Carmel, N. Y., against The New York Central and Hudson River Railroad Company as to rates on flour and feed from Carmel to points on the Harlem division, be and the same is hereby closed upon the records of this Commission, the respondent company having filed its inter-line freight tariff P. S. C., 2 N. Y., No. 8523, establishing class rates between stations on its Putnam division and stations on its Harlem division; and it appearing by a letter from the complainant dated December 2, 1910, that these rates as now in force satisfactorily dispose of the complaint.

[Case No. 1518]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of PATRONS OF THE UTICA AND MOHAWK VALLEY RAILWAY COMPANY living in the vicinities of Stops 1, 2, and 3 from Utica, on the Utica-Frankort branch, *against* UTICA AND MOHAWK VALLEY RAILWAY COMPANY, asking that the rate of fare be reduced from ten to five cents, to and from Utica.

A complaint having been filed in the above entitled matter, alleging that fare to Stops 1, 2, and 3 is unfair and discriminating, and asking that the rate of fare be reduced from ten to five cents, from the points designated therein; and the Utica and Mohawk Valley Railway Company having filed its answer; and a public hearing having been had at the city of Utica, N. Y., on the 26th day of September, 1910, and the parties having submitted their proofs and briefs, and due deliberation having been had thereon; and in the opinion of the Commission the complainants having failed to satisfactorily prove that the present rate is unfair or discriminatory; it is

Ordered: That the complaint be and hereby is dismissed.

APPENDIX F

In the Matter of Abandonment or Changes in Routes, Service, or Stations by Railroad Corporations.

APPENDIX F

[Case No. 862]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF BARKER, Broome county, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY.

After due deliberation it is

Ordered: In the matter of the complaint of residents of the town of Barker, Broome county, against The Delaware, Lackawanna and Western Railroad Company, that the plan for the new station at Barker, N. Y., filed by The Delaware, Lackawanna and Western Railroad Company December 29, 1909, in conformity with the order entered in this proceeding December 2, 1909, be and the same is hereby approved; and it is further

Ordered: That the time for completion of the concrete platform required by said order of December 2, 1909, be and is hereby extended to May 1, 1910; and it is further

Ordered: That The Delaware, Lackawanna and Western Railroad Company may vary the said plan by adding such additional rooms or floor space as it may deem necessary.

[Case No. 356]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the petition of the PORT JERVIS ELECTRIC LIGHT, POWER, GAS AND RAILROAD COMPANY under section 103 of the Railroad Law for approval of declaration of abandonment of a portion of its route.

In view of the sale on foreclosure of the property of the applicant, Port Jervis Electric Light. Power, Gas and Railroad Company, it is

Ordered: That this proceeding be closed upon the records of this Commission.

[Case No. 641]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Application of BENNINGTON AND NORTH ADAMS STREET RAILWAY COMPANY for approval of a declaration of abandonment of a portion of its route in the village of Hoosick Falls.

Whereas, The petitioner presented to this Commission a petition dated November 12, 1908, praying for permission to abandon a portion of its line in the village of Hoosick Falls, beginning at the junction of Main and Church streets in said village and running thence northerly through Church street to River street, thence westerly along River street to Third street, thence northerly through Third street to Elm street, and thence easterly through Elm street to the tracks of the Boston and Maine railroad; and

Whereas, After a hearing had upon said petition an order was made by this Commission on May 27, 1909, giving permission and approval to the petitioner to abandon all that portion of the route hereinbefore described lying on the westerly side of the Boston and Maine railroad in the village of Hoosick Falls, which said portion to be abandoned is more particularly described in said order; and

Whereas, The petitioner has presented to the Commission its petition for a rehearing in said matter, which petition was dated November 10, 1909, and which petition for rehearing also contained a petition to be allowed to operate a franchise through Willard street in said village of Hoosick Falls; and

Whereas, This Commission on the 1st day of December, 1909, granted said application for a rehearing herein; and

Whereas, The said matter came on for a rehearing on the 13th day of December, 1909, at which time the application for the exercise of petitioner's franchise in Willard street was also heard; and

Whereas, The petitioner on an adjourned hearing held on the 3rd day of January, 1910, formally withdrew its application to be allowed to exercise its franchise through Willard street; and

Whereas, On said hearing held on the 3rd day of January, 1910, petitions addressed to this Commission were filed in its office, signed by 101 of the inhabitants of the second ward of the village of Hoosick Falls and also by a number of abutting owners on Church street in said village, praying that the Bennington and North Adams Street Railway Company be allowed to abandon its line now existing on Church street and River street in said village: and no one in opposition to said abandonment appearing at said hearing; it is

Ordered: That the order of this Commission dated May 27, 1909, be and it is hereby modified so that it shall read as follows:

The petitioner herein having presented its petition under section 103 of the Railroad Law, praying for the permission, consent, and approval of this Commission to abandon that part of its line as now operated from the junction of Main and Church streets in the village of Hoosick Falls to the end of the line at the tracks of the Boston and Maine railroad: namely, that part of the line commencing at the junction of said Main and Church streets

and running thence northerly on said Church street to River street, thence westerly on River street to Third street, thence northerly on Third street to Elm street, thence easterly on Elm street to the Boston and Maine railroad, being 4562 feet long; and hearings on said petition having been had, and a personal inspection of the route asked to be abandoned having been made by Commissioners Sague and Olmsted, it is

Ordered: That the approval, permission, and consent of this Commission be given to the Bennington and North Adams Street Railway Company to abandon that portion of its route in the village of Hoosick Falls described as follows: to wit, that part of the line commencing at the junction of Main and Church streets in said village and running thence northerly on said Church street to River street, thence westerly on River street to Third street, thence northerly on Third street to Elm street, thence easterly on Elm street to the Boston and Maine railroad, being 4562 feet long.

[Case No. 960]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of RESIDENTS OF SIDNEY AND OTHERS *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY as to passenger train service.

Whereas, This Commission did on the 16th day of December, 1909, make an order in the above entitled matter, and the above named New York, Ontario and Western Railway Company has made application for rehearing in said matter pursuant to the provisions of section 22 of the Public Service Commissions Law, which application came on this day for hearing, and upon such hearing *John B. Kerr, esq.*, has appeared for the said railway company and *Louis I. Hatfield* has appeared for the complainants; and

Whereas, Upon said hearing it has been agreed by the attorney for the complainants and by the attorney for the railway company that the said order dated December 16, 1909, should be modified as hereinafter expressed; now therefore it is

Ordered: That the said order be and the same is hereby modified as follows: the ordering clauses in said order shall be stricken out and the following be substituted in place thereof:

Ordered: That the New York, Ontario and Western Railway Company be and it is hereby ordered and required to continue the run of its said train No. 3 to Sidney, and to commence the run of its said train No. 4 at Sidney; that the extension of said runs shall begin whenever the respondent shall make a new time-table or schedule for the running of said trains upon its road, not later however than May 25, 1910; that this order shall continue in effect for one year from the date the respondent shall extend the runs of said trains in pursuance of the terms hereof; that the respondent shall within ten days after the service upon it of a certified copy of this order notify the Commission in the manner required by section 23 of the Public Service Commissions Law whether the terms of the order are accepted and will be obeyed.

[Case No. 1443]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of Complaints and Reports as to Delays of Trains Nos. 603 and 605 of THE DELAWARE AND HUDSON COMPANY operating upon the belt line between Albany and Troy.

Order to show cause.

Whereas, It appears by complaints filed with this Commission and by reports of one of its inspectors that trains Nos. 603 and 605 of The Delaware and Hudson Company operating upon the belt line between Albany and Troy are frequently late in leaving Albany upon the runs due to leave Albany at 7:01 o'clock a. m. and 8 o'clock a. m., to the great inconvenience and injury of passengers thereon; it is

Ordered: That the said The Delaware and Hudson Company be and it is required to show cause at the hearing room of this Commission in the Capitol at Albany on the 11th day of January, 1910, at 2 o'clock in the afternoon, why it should not cause said trains to leave Albany upon the regularly scheduled time, and that upon said hearing the said company be required to explain whether said delays arise from or are caused by reasons beyond its control. That a hearing be had at said time and place upon the subject of the delays of said trains, the causes of said delays, and the remedies, if any, which may be used to avoid the same.

[Case No. 444]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of CITIZENS OF SANDY HILL, Washington county, N. Y., *against* THE DELAWARE AND HUDSON COMPANY relative to a suitable and proper passenger station in said village.

After due deliberation it is

Ordered: That in the matter of the complaint of the citizens of Sandy Hill, Washington county, N. Y., against The Delaware and Hudson Company relative to a suitable and proper passenger station in said village, be and hereby is closed upon the records of this Commission, it appearing by letter dated January 5, 1910, from B. G. Higley, attorney for complainants, and addressed to this Commission, that the construction of the new station has advanced to such a point as to satisfy the complainants.

[Case No. 664]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of PATRONS OF THE PINE HILLS (Albany) LINE OF THE UNITED TRACTION COMPANY *against* the UNITED TRACTION COMPANY as to service rendered the public on said line.

Whereas, It appears by the evidence presented to the Commission at a public hearing held January 12, 1910, in the matter of the complaint of patrons of the Pine Hills (Albany) line of the United Traction Company against the United Traction Company as to service rendered the public on said line, that the so called limiting rule as provided for in the order of this Commission dated March 30, 1909, has not proved practicable and is unsatisfactory to the patrons of said line, it is

Ordered: That the said limiting rule and the order embodying the same be and hereby are abrogated.

[Case No. 1414]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE UNINCORPORATED VILLAGE OF FENTONVILLE, Chautauqua county, *against* WARREN AND JAMESTOWN STREET RAILWAY COMPANY as to need of waiting room and freight platform at that place.

After due deliberation it is

Ordered: That the complaint of residents of the unincorporated village of Fentonville, Chautauqua county, against the Warren and Jamestown Street Railway Company as to need of waiting room and freight platform at that place, be and hereby is closed on the records of this Commission, complainants advising under date of January 15, 1910, that the offer of respondent to erect station satisfactorily disposes of the complaint.

[Case No. 1463]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of JAMES SARGENT *against* NEW YORK STATE RAILWAYS as to service rendered the public in the city of Rochester.

Whereas, Mr. James Sargent, the complainant in the matter of the complaint of James Sargent against the New York State Railways, Rochester lines, as to the service rendered the public in the city of Rochester, died subsequent to the filing of said complaint,

Ordered: That this case be and hereby is closed upon the records of this Commission.

[Case No. 982]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of G. F. LEE AND OTHERS *against* ERIE RAILROAD COMPANY as to passenger train service at Middletown.

After due deliberation it is

Ordered: That the above entitled matter be and it is hereby closed upon the records of this Commission, it appearing by letter from G. F. Lee dated January 25, 1910, and received by this Commission January 27, 1910, that the service which took effect on January 16, 1910, is entirely satisfactory to the complainants.

[Case No. 1228]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF SULLIVAN, Madison county, *against* ONEIDA RAILWAY COMPANY as to the condition of the passenger station known as Sullivan, on the West Shore railroad, on which railroad passenger cars of the Oneida Railway Company are operated, and as to the employment of an agent and the opening of a ticket office at said station.

After due deliberation it is

Ordered: That the above entitled matter be and it is hereby closed upon the records of this Commission, it appearing by letter from James Connell of Chittenango, N. Y., dated January 27, 1910, and received by this Commission January 28, 1910, that the conditions complained of have been remedied to the satisfaction of the complainants.

[Case No. 1498]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of Complaints of J. W. FINCH AND FRANK B. LOWN of Poughkeepsie, N. Y., AND OTHERS *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to delays to Hudson Division train No. 66.

Order to show cause.

These complainants having been received and filed, and a report in the matter having been made by an inspector of this Commission, it is

Ordered: That a copy of the report of Inspector Henry N. Rockwell in the matter be transmitted to The New York Central and Hudson River Railroad Company, and that said company be and it is hereby required to show cause before this Commission at the hearing room of the Commission in the Capitol, Albany, on Wednesday, February 9, 1910, at 2 o'clock p. m., why the service of said train No. 66 should not be improved so that said train may run practically on time.

[Case No. 477]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF DELHI *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY as to passenger station.

Whereas, Mr. Edwin D. Wagner, representing complainants in the matter of the complaint of residents of Delhi against New York, Ontario and Western Railway Company as to passenger station, has failed to reply to communications dated October 22nd and December 3rd respectively, wherein he was requested to advise this Commission concerning the progress made in the erection of a station; and

Whereas, Said Edwin D. Wagner has failed to answer a further communication dated December 23, 1909, wherein it was stated that upon failure on his part to explain the progress of the work upon said station within one week from that date it would be assumed that the complaint had been satisfied; it is

Ordered: That the case be and hereby is closed upon the records of this Commission.

[Case No. 708]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the COMMERCIAL TRAVELERS BENEVOLENT ASSOCIATION OF THE CITY OF UTICA AND OTHERS *against* UTICA AND MOHAWK VALLEY RAILWAY COMPANY as to operating passenger cars after midnight.

After due deliberation it is

Ordered: That the matter of the complaint of the Commercial Travelers Benevolent Association of Utica and others against Utica and Mohawk Valley Railway Company as to operating passenger cars after midnight be and hereby is closed upon the records of this Commission, it appearing by letter from C. Loomis Allen, vice-president and general manager of Utica and Mohawk Valley Railway Company, dated February 2, 1910, and received by this Commission February 3, 1910, that the company has instituted a schedule for early morning service satisfactory to the complainants; and it appearing further by letter from Mr. Charles C. Irish, attorney for complainants, dated February 4, 1910, and received by this Commission February 5, 1910, that said arrangement entered into between C. Loomis Allen, vice-president and general manager of Utica and Mohawk Valley Railway Company, and the Commercial Travelers Benevolent Association, is satisfactory to the complainants.

[Case No. 870]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of CERTAIN PROPERTY OWNERS IN BURNET AND HAWLEY AVENUES AND JAMES AND LODI STREETS IN THE CITY OF SYRACUSE *against* SYRACUSE RAPID TRANSIT RAILWAY COMPANY and ONEIDA RAILWAY COMPANY.

Whereas, Upon the hearing in the above entitled matter it appeared that the Oneida Railway Company has ceased operating its cars upon Hawley avenue and James and Lodi streets; and

Whereas, It also appeared upon the hearings that the railroad track upon Burnet avenue has been reconstructed in the most approved manner with heavy rail and thereby many of the difficulties complained of have been remedied; and

Whereas, It does not appear that since the reconstruction of the track on Burnet avenue the operation thereon of the cars of the Oneida railway produces sufficient injury to warrant action on the part of this Commission; it is

Ordered: That the complaint in this matter be and hereby is dismissed, with leave to renew the same in case the cars of the Oneida Railway Company by fast running or otherwise produce injury to the houses adjacent to said avenue.

[Case No. 1058]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Complaint of L. M. SWEET *against* THE CHAUTAUQUA TRACTION COMPANY. Second order.

After due deliberation it is

Ordered: That this complaint be and hereby is closed upon the records of this Commission, the matters complained of having been discontinued by the employees of the respondent.

[Case No. 1268]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF CATATONK, Tioga county, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY.

This case being at issue upon complaint and answer, and the matter having been duly heard and full investigation having been had, it is

Ordered: That respondent, The Delaware, Lackawanna and Western Railroad Company, be and is hereby notified and required:

1. To erect within four months from the date hereof, that is to say prior to June 15, 1910, a suitable inclosed freight and passenger station upon its line at Catatonk in Tioga county, the passenger waiting room to be fitted with proper seats and heated during the cold months of the year, the said passenger waiting room to contain not less than one hundred and fifty (150) square feet of floor space and the freight room not less than eighty (80) square feet of floor space, and the said station to have also a suitable office for an agent who shall be employed at said station to sell tickets and care for express and freight business as may be required. There shall also be a concrete platform at least eight (8) feet wide extending across the front of the station and adjacent to the running track of the railroad, for the accommodation of the passengers and the handling of freight.

2. To submit for the approval of the Commission within twenty days after the service of this order a detailed plan of said station building, in accordance with the requirements herein set forth.

[Case No. 678]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF WEST DAVENPORT, county of Delaware, *against* THE ULSTER AND DELAWARE RAILROAD COMPANY.

Upon consideration of the record in this case the Commission is of the opinion that the removal of respondent's West Davenport station from its present location to a point nearer the village of West Davenport, as prayed for in the complaint, is not justified by the present traffic conditions in that locality, and it is therefore

Ordered: That the complaint herein be and hereby is dismissed, without prejudice to the filing of a new complaint by the petitioners or other persons interested.

[Case No. 1051]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION. SECOND DISTRICT.

At a session of the Public Service Commission, Second District. held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE.
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of the COMMON COUNCIL OF THE CITY OF CORNING *against* ERIE RAILROAD COMPANY relative to passenger train service.

After due deliberation it is

Ordered: That the matter of this complaint be and hereby is closed on the records of this Commission, for the reason that train No. 14, which is asked to be stopped at Corning, is not a regular passenger train making stops on the division on which Corning is located.

[Case No. 1455]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION. SECOND DISTRICT.

At a session of the Public Service Commission. Second District. held at the Capitol. Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER.
JAMES E. SAGUE.
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of JOHN J. CRUMLISH of Hamburg, Erie county, *against* BUFFALO AND LAKE ERIE TRACTION COMPANY, alleging inadequate service rendered the public on the Hamburg division of said company's railroad.

After due deliberation it is

Ordered: That the matter of this complaint be and hereby is closed upon the records of this Commission, it appearing by letter from the complainant dated January 17, 1910, that the matter complained of has been remedied to the entire satisfaction of all parties concerned.

[Case No. 1479]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of F. M. AMES AND OTHERS *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, asking that a combined passenger and freight station be established on said company's railroad at West Kendall, Orleans county, Rome, Watertown and Ogdensburg division.

After due deliberation it is

Ordered: That the matter of this complaint be and hereby is closed upon the records of this Commission, it appearing by letter from L'Hommedieu & Whedon, attorneys for the complainants, dated February 18, 1910, and received by this Commission February 23, 1910, that the case has been satisfactorily adjusted.

[Case No. 495]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, pursuant to section 34 of the Railroad Law, for an order consenting to the discontinuance of the freight station at Lincoln, N. Y.

Whereas, It appears by the petition herein that there are no mercantile establishments at this station and that no freight is received there except such as is delivered to contractors working temporarily at said place; and

Whereas, Adequate freight facilities are located at Van Cortland and Bunwoodid, both stations being at short distances from Lincoln; and a personal investigation of the situation having been made by H. N. Rockwell, an inspector of this Commission, and the allegation contained in the petition having been found to be true; it is

Ordered: That the consent of this Commission be and it hereby is given for the abandonment of the freight station now located at Lincoln, N. Y., subject however to restoration upon complaint at any time.

[Case No. 500]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, pursuant to section 34 of the Railroad Law, for an order consenting to the discontinuance of the freight station at Worthington, N. Y.

Whereas, It appears by the petition filed with this Commission that there is no freight handled at said station, and that adequate freight facilities are located at Elmsford, a distance of 1.54 miles north, and at Ardsley, a distance of 1.88 miles south, of Worthington; and a personal investigation of the situation having been made by H. N. Rockwell, an inspector of this Commission, and the allegations contained in the petition having been found by him to be true; it is

Ordered: That the consent of this Commission be and it hereby is given to the applicant for the abandonment of the freight station now located at Worthington, N. Y., subject however to restoration upon complaint at any time.

[Case No. 1501]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE.
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of BRADFORD R. LANSING of Rensselaer *against* COHOES RAILWAY COMPANY, asking that a suitable building for the accommodation of persons waiting for cars be erected and maintained by said company at the transfer point, corner of Broadway and Third avenue in Rensselaer.

After due deliberation it is

Ordered: That the matter of the complaint of Bradford R. Lansing of Rensselaer against the Cohoes Railway Company, asking that a suitable building for the accommodation of persons waiting for cars be erected and maintained by said company at the transfer point, corner Broadway and Third avenue in Rensselaer, be and hereby is closed upon the records of this Commission, with right to the complainant to reopen the case if the matter complained of is not remedied by the respondent in accordance with the terms and conditions of the answer verified on the 18th day of February, 1910, it appearing by a communication from the complainant in the form of a reply dated March 1, 1910, and received by this Commission March 2, 1910, that such a disposition of the case is entirely satisfactory to him.

[Case No. 247]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the PORT JERVIS BOARD OF HEALTH *against* PORT JERVIS ELECTRIC LIGHT, POWER, GAS AND RAILROAD COMPANY as to temperature of cars.

After due deliberation it is

Ordered: That the matter of the complaint of the Port Jervis board of health against the Port Jervis Electric Light, Power, Gas and Railroad Company as to temperature of cars be and hereby is closed upon the records of this Commission, on account of the general reorganization of the Port Jervis Electric Light, Power, Gas and Railroad Company and the consequent changes and improvements in the service to be afforded by the road.

[Case No. 1445]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of COMMUTERS RESIDING AT VARIOUS STATIONS ON THE BOSTON AND ALBANY RAILROAD BETWEEN CHATHAM AND ALBANY *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, AS LESSEE OF THE BOSTON AND ALBANY RAILROAD, as to delay of passenger train No. 351 on the Boston and Albany Railroad between Rensselaer and the Union station, Albany.

After due deliberation it is

Ordered: That the matter of the complaint of commuters residing at various stations on the Boston and Albany railroad between Chatham and Albany against The New York Central and Hudson River Railroad Company, as lessee of the Boston and Albany railroad, as to delay of passenger train No. 351 on the Boston and Albany railroad between Rensselaer and the Union station, Albany, be and hereby is closed upon the records of this Commission, it appearing by a letter from A. B. Culver dated March 16, 1910, and received March 17, 1910, that service has been established which is entirely satisfactory to the complainants.

[Case No. 1481]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the BOARD OF TRADE OF THE VILLAGE OF GOWANDA *against* ERIE RAILROAD COMPANY as to construction of new station buildings of said company in said village.

After due deliberation it is

Ordered: That the matter of the complaint of the board of trade of the village of Gowanda against the Erie Railroad Company as to construction of new station buildings of said company in said village be and hereby is closed upon the records of this Commission, it appearing by letter from S. D. Snedeker, secretary of the board of trade, Gowanda, N. Y., dated January 31, 1910, and also by letter from H. A. Taylor, assistant general solicitor of Erie Railroad Company, dated February 5, 1910, that arrangements have been entered into for the adjustment of the matters complained of which will satisfy all parties concerned.

[Case No. 1268]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of RESIDENTS OF CATATONK, Tioga county, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY.

The respondent, The Delaware, Lackawanna and Western Railroad Company, having on March 15, 1910, filed its proposed plan for a passenger and freight station at Catatonk, N. Y., as required by the order of the Commission entered herein on the 15th day of February, 1910; and the plan having been considered by the Commission, and it appearing to conform to the requirements of the said order of the Commission except as to the station platform, which under said order should be a concrete platform instead of a screening platform as stated on said plan; it is

Ordered: That the plan so submitted by the respondent for a passenger and freight station at Catatonk, N. Y., pursuant to the order of the Commission entered herein on the 15th day of February, 1910, be and is hereby approved except as to the station platform, and it is hereby directed that said plan be changed so that it shall provide for a concrete platform for said station instead of a screening platform.

[Case No. 1418]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of WRIGHT BROADHEAD AND OTHERS *against* WARREN AND JAMESTOWN STREET RAILWAY COMPANY.

Whereas, It appears from the evidence and proceedings had in the matter of the above entitled complaint that the respondent, Warren and Jamestown Street Railway Company, refuses to stop its northbound cars at the point on its road about 1364 feet northerly from its Stillwater station in the town of Kiantone, at which is located the platform near or in the vicinity of the residences of the complainants Broadheads, for receiving and discharging passengers; that it did up to the time of the hearing upon said complaint stop its southbound cars at said platform for the purpose of receiving and discharging passengers; and

Whereas, It satisfactorily appears to the Commission that such refusal is unjust and unreasonable and constitutes a denial of just and reasonable service and facilities to the complainants and others of the public who desire to avail themselves of said stop; and

Whereas, It satisfactorily appears to the Commission that the stopping of cars at said point would not unreasonably or unduly overload the power system and apparatus of respondent's said road and would not create as much overload as the stop at Stillwater, which stop is regularly made upon signal without detriment or injury to respondent's power system and apparatus so far as is disclosed by the evidence; and

Whereas, The Commission is of the opinion that the practices and service of the respondent in respect to the facilities afforded at said point are unjust, unreasonable, and improper and inadequate, and that it is just and reasonable that the passenger cars of respondent should stop at said platform upon signal to receive and discharge passengers; it is

Ordered: That this Commission hereby determines that the just, reasonable, adequate, and proper service to be given by said Warren and Jamestown Street Railway Company hereafter requires that its passenger cars shall upon signal stop at a point on its said road approximately 1364 feet northerly from its Stillwater station in the town of Kiantone, at the platform now standing in the vicinity of the residence of the complainant Wright Broadhead, for the purpose of receiving and discharging passengers, and said Warren and Jamestown Street Railway Company is hereby directed and required to stop its passenger cars upon signal at said point to receive and discharge passengers.

It is further Ordered: That this order shall take effect immediately upon service of a certified copy of the same upon said company, and shall continue in force until modified or abrogated by this Commission.

It is further Ordered: That said Warren and Jamestown Street Railway Company shall notify this Commission on or before the 8th day of April, 1910, whether the terms of this order are accepted and will be obeyed.

[Case No. 886]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of JAMES W. COLT of Geneseo, Livingston county, *against* THE PENNSYLVANIA RAILROAD COMPANY as to discontinuance of a mixed train formerly stopping at Cuylerville station.

After due deliberation it is

Ordered: That the matter of the complaint of James W. Colt of Geneseo, Livingston county, N. Y., against The Pennsylvania Railroad Company as to discontinuance of a mixed train formerly stopping at Cuylerville station be and hereby is closed upon the records of this Commission, it appearing by letter from Lockwood R. Doty, attorney for the complainant, dated April 1, 1910, and received April 2, 1910, that the respondent has put a milk train into service, and that by reason thereof no further action on the part of this Commission is required.

[Case No. 917]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the ROCHESTER MILK EXCHANGE *against* THE PENNSYLVANIA RAILROAD COMPANY.

After due deliberation it is

Ordered: That the matter of the complaint of the Rochester Milk Exchange against The Pennsylvania Railroad Company be and hereby is closed upon the records of this Commission, it appearing by letter from Lockwood R. Doty, attorney for the complainant, dated April 1, 1910, and received April 2, 1910, that the respondent has put a milk train into service which will meet the requirements of complainant, and that by reason thereof no further action on the part of this Commission is required.

[Case No. 1454]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF RIVERSIDE, Broome county, *against* ERIE RAILROAD COMPANY, asking that a shelter station be provided at Riverside on said railroad.

After due deliberation it is

Ordered: That the matter of the complaint of residents of Riverside, Broome county, against Erie Railroad Company, asking that a shelter station be provided at Riverside on said railroad, be and hereby is closed upon the records of this Commission, it appearing by letter from Orion B. Stone dated February 10, 1910, and received by this Commission February 11, 1910, that the concessions made in respondent's answer, which was received by this Commission February 2, 1910, and wherein said respondent expressed a willingness to erect a shelter station at Riverside for the protection of waiting passengers, are satisfactory to the complainants.

[Case No. 862]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF BARKER, Broome county, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY as to lack of passenger and freight station building at Barker on said company's line.

After due deliberation it is

Ordered: That the matter of the complaint of residents of the town of Barker, Broome county, against The Delaware, Lackawanna and Western Railroad Company as to lack of passenger and freight station building at Barker on said company's line, be and hereby is closed upon the records of this Commission, with the understanding that the wooden platform for the station shall be replaced by a concrete platform at such time as renewal may be required, it appearing by letter from F. W. Thomson, general attorney, dated March 5, 1910, received by this Commission on March 7, 1910, that the station at Barker has been opened to the public.

[Case No. 1316]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of NECKERS BROTHERS of Clymer, Chautauqua county, *against* THE PENNSYLVANIA RAILROAD COMPANY, AS LESSEE OF THE WESTERN NEW YORK AND PENNSYLVANIA RAILWAY, in relation to Hulburt's switch, in the town of Clymer, Chautauqua county, and as to freight station at Clymer on the Western New York and Pennsylvania Railway.

After due deliberation it is

Ordered: That the complaint of Neckers Brothers of Clymer, Chautauqua county, against The Pennsylvania Railroad Company, as lessee of the Western New York and Pennsylvania Railway Company, in relation to Hulburt's switch, in the town of Clymer, Chautauqua county, and as to freight station of Clymer on the Western New York and Pennsylvania railway, be and hereby is closed upon the records of this Commission, it appearing by a letter from the complainants dated April 4, 1910, and received by this Commission April 6, 1910, that the respondent has entirely satisfied the complaint herein, and that the complainant needs no further assistance in the matter from the Commission.

[Case No. 1345]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the NEW YORK AND OTTAWA RAILWAY COMPANY for consent to the discontinuance of the flag-stop station known as Brandon, Franklin county, on said company's railway.

After due hearing and deliberation it is

Ordered: That the application of the New York and Ottawa Railway Company for consent of this Commission to the discontinuance of its station at Brandon be and hereby is dismissed, and that such consent be and hereby is refused.

[Case No. 1500]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS ALONG THE LINE OF THE NEWBURGH, DUTCHESS AND CONNECTICUT DIVISION OF THE CENTRAL NEW ENGLAND RAILWAY COMPANY *against* SAID COMPANY, asking that the Clove Branch station shall be moved from its present location to a new location.

Whereas, In the matter of the complaint of the residents along the line of the Newburgh, Dutchess and Connecticut division of the Central New England Railway Company against said company, asking that the Clove branch station be moved from its present location to a new location, on March 19, 1910, Lewis H. Wright, representing the complainants, was asked to advise the Commission whether or not, in view of the opposition which had developed against changing the location of said station, he still desired to have the matter continued and advanced to a public hearing; and

Whereas, On April 1, 1910, the same inquiry was renewed, and Lewis H. Wright was advised that upon failure to receive a reply to said inquiries on or before April 5, 1910, that it would be assumed that the further attention of the Commission in the matter would not be desired, and no reply having been received; it is

Ordered: That the case be and hereby is closed upon the records of this Commission.

[Case No. 1447]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the HAMBURG BUSINESS MEN'S CLUB against BUFFALO AND SUSQUEHANNA RAILWAY COMPANY as to delays in operation of passenger trains.

After due deliberation it is

Ordered: That the matter of the complaint of the Hamburg Business Men's Club against Buffalo and Susquehanna Railway Company as to delay in operations of passenger trains be and hereby is closed upon the records of this Commission, with permission to the complainant to open the case at any time upon the recurrence of the conditions which were brought to the attention of the Commission by this complaint; it appearing by letter from the Hamburg Business Men's Club dated April 9, 1910, and received by this

Commission April 11, 1910, that the delays complained of have practically been remedied and that there seems to be no further necessity for action on the part of the Commission.

[Cases Nos. 1427, 1462]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of April, 1910.

Present:

Frank W. Stevens, Chairman,
Martin S. Decker,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of the Business Men's Association of Lancaster, Erie county, *against* International Railway Company as to service rendered the public; and

In the matter of the Complaint of William F. Mackey and Residents of Lancaster and Depew, Erie county, *against* International Railway Company as to service rendered the public.

It appearing by the testimony given at the hearing on the 14th day of April, 1910, that one of the chief causes of delay in the operation of cars between the city of Buffalo and Lancaster, in Erie county, is caused by the carriage of city passengers thereon, it is

Ordered: That the International Railway Company be and it is hereby directed to put in force on or before the 1st day of May, 1910, a rule of operation as follows: 1. All Lancaster cars operating eastbound between the starting point at the junction of Main and Clinton streets in the city of Buffalo and Lancaster, N. Y., shall stop at all streets and regular stopping places in the city of Buffalo to receive and take on interurban passengers only, but shall not stop between the starting point at the junction of Main and Clinton streets in the city of Buffalo and Broadway city line for passengers to alight; 2. Lancaster cars operating westbound shall stop at all streets and regular stopping places in the city of Buffalo between Broadway city line and the junction of Main and Clinton streets in the city of Buffalo for passengers to alight only, but shall not stop at any point between Broadway city line and the junction of Main and Clinton streets to pick up passengers; 3. Lancaster cars leaving and coming into the city shall carry signs reading as follows: "No city passenger carried on this car"; and in addition, before cars leave terminals, and also when stopping for passengers on the outbound trip or discharging passengers on the inbound trip, the conductor shall announce, "No city passengers carried on this car".

It is further Ordered: That reasonable publicity be given by the railway company to this rule through announcements in the newspapers in the city of Buffalo.

It is further Ordered: That this order be not deemed as closing the above named cases in respect to the other matters complained of therein, but the same shall be continued for further disposition on the part of the Commission.

[Case No. 460]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE VILLAGE AND TOWN OF CANISTEO, Steuben county, *against* ERIE RAILROAD COMPANY as to passenger train service.

After due hearing and deliberation it is

Ordered: That Case No. 460, being the complaint of residents of Canisteo against Erie Railroad Company relative to the stopping of certain passenger trains of said company at Canisteo, be and hereby is closed, the Commission being satisfied that it is unnecessary to make any order in said proceeding, a part of the matters complained of having been corrected; and that as to train 1 no order to stop at Canisteo should be made.

[Case No. 760]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of PERMANENT AND SUMMER RESIDENTS IN THE COUNTIES OF ULSTER AND GREENE *against* THE ULSTER AND DELAWARE RAILROAD COMPANY as to the Shandaken station on said company's railroad.

After due hearing and deliberation it is

Ordered: That the petition of certain taxpayers and residents of the counties of Ulster and Greene, asking that The Ulster and Delaware Railroad Company establish and maintain a station at the point near the village of Shandaken where it maintained a station prior to the year 1903, be and the same is hereby denied, it appearing it would be unreasonable to make an order requiring such station in view of the facilities afforded by the station at Allaben, under present conditions.

[Case No. 1328]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the ONEONTA CHAMBER OF COMMERCE *against* THE ULSTER AND DELAWARE RAILROAD COMPANY and THE DELAWARE AND HUDSON COMPANY, asking that a union passenger station be established in Oneonta.

After due deliberation it is

Ordered: That Case No. 1328 be and hereby is closed, this Commission having no jurisdiction to order a union station.

[Case No. 1380]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF SMYRNA AND VICINITY *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, asking that passenger trains Nos. 67 and 68 stop at Smyrna station.

Whereas, In the matter of the complaint of residents of Smyrna and vicinity against the New York, Ontario and Western Railway Company, asking that passenger trains Nos. 67 and 68 stop at Smyrna station, the evidence given at the hearing April 6, 1910, shows that the principal grievance of the complainants can be remedied by the stopping of respondent's train known as No. 67; and

Whereas, The evidence in the case further shows that such accommodation will not require any addition to the present equipment of said train; it is

Ordered: 1. That the New York, Ontario and Western Railway Company be and hereby is required to stop at Smyrna station, upon signal, its train known and described as No. 67.

Ordered: 2. That the complaint be and hereby is dismissed in so far as it has reference to respondent's train known and described as No. 68.

Ordered: 3. That this order shall take effect immediately upon service of a certified copy of the same upon said company, and shall continue in force until modified or abrogated by this Commission.

Ordered: 4. That said company shall notify this Commission on or before the 6th day of May, 1910, whether the terms of this order are accepted and will be obeyed.

[Case No. 1480]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of SAVANNAH GRANGE, No. 131, *against* ROCHESTER, SYRACUSE AND EASTERN RAILROAD COMPANY as to the lack of proper passenger station facilities at Savannah upon the road of said company.

In the matter of the complaint of Savannah Grange, No. 131, against the Rochester, Syracuse and Eastern Railroad Company as to the lack of proper passenger station facilities at Savannah upon the road of said company; after hearing had upon said complaint it satisfactorily appears to the Commission that the respondent, the Rochester, Syracuse and Eastern Railroad Company, has failed to provide at Savannah a passenger station sufficient and adequate to accommodate and serve properly the passengers having occasion to use the facilities of respondent at Savannah, and that in order to provide adequate service and facilities at said place for the transportation of passengers and property it is necessary that a new station of sufficient size and capacity to accommodate passengers, express matter, and a ticket office, with adequate toilet facilities, be erected or otherwise provided, it is

Ordered: 1. That said respondent, Rochester, Syracuse and Eastern Railroad Company, be and hereby is directed and required to provide at Savannah, upon the line of its road in said village, adequate and sufficient passenger station facilities on or before the 1st day of October, 1910, either by the erection of a new building or by renting a room or rooms adequate and suitably located for that purpose; that said respondent on or before the 30th day of May, 1910, file with this Commission plans for such new building and outbuildings, specifying the proposed location thereof, to the end that the Commission may pass upon and approve of the same as to adequacy; that the said respondent may at its option file on or before said day a proposed lease or agreement for renting space for said passenger station and other accommodations, with a plan showing the size and location of such proposed accommodations for like approval; that upon the filing of such plans or proposed lease as the case may be, the Commission will take such further action as shall then seem proper.

Ordered: 2. That this order shall take effect on the service of a certified copy thereof upon said Rochester, Syracuse and Eastern Railroad Company, and shall continue in force until modified or abrogated by this Commission.

Ordered: 3. That said Rochester, Syracuse and Eastern Railroad Company shall notify this Commission on or before the 9th day of May, 1910, whether the terms of this order are accepted and will be obeyed.

[Case No. 1548]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the BENNINGTON AND NORTH ADAMS STREET RAILWAY COMPANY for consent of the Commission that it may abandon a part of its route in the village of Hoosick Falls and construct its road on a part of High street in said village.

After due hearing and deliberation it is

Ordered: That the application of the Bennington and North Adams Street Railway Company for consent of the Commission that it may abandon a part of its route in the village of Hoosick Falls and construct its road on a part of High street in said village not now occupied by it, be and it is hereby denied, and such consent be and it is hereby refused.

[Case No. 1544]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of R. L. CANNIFF and others using the Forest Glen station on the Wallkill Valley railroad *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, operating the said Wallkill Valley railroad.

Whereas, This case has been duly heard on complaint and answer and submission of testimony, and it appearing that complainants desire respondent to run a train each week day from Gardiner, a station about two miles south of Forest Glen, and all stations north to the terminus of the line at Kingston, and that such train shall leave Gardiner at about 5 o'clock p. m.; that such new train is desired to accommodate a large number of workmen employed in the Catskill Aqueduct improvement work now being prosecuted at Forest Glen and in and about that locality, and that the number of persons who will use this train will considerably increase in the near future; that the Aqueduct work at and near Forest Glen will continue for two or more years; that it is estimated about 75 persons would use this train immediately and such number would probably increase to 125 or 150 persons, varying according to changing of work hours at the Forest Glen construction, three shifts of eight hours each being used daily; that this service by the respondent is necessary to get the men home after the work day ending about 4 p. m.; that some of the men work at Gardiner, the next station south of

Forest Glen; that the passengers who would use this train are men having homes in New Paltz, Rosendale, and Kingston, and perhaps other stations on respondent's Wallkill Valley line; that respondent's present northbound train after 4 p. m. does not leave Forest Glen until 6:25 p. m., and as that train waits for its southern connection at Campbell Hall it is often 7 p. m. or later when it arrives at Forest Glen; and

Whereas, It appears to the Commission that a substantial amount of patronage exists and will exist for said proposed train, that the said improvement work at and near Forest Glen has been and is producing large freight traffic for the respondent company, and that the question whether the proposed passenger train will actually accommodate a sufficient number of passengers to warrant a requirement by this Commission that it shall be run is one which in view of all the conditions and circumstances should be determined upon a trial thereof commencing not later than the 9th day of May, 1910, and continuing until the taking effect in June of respondent's summer schedule on its said Wallkill Valley line, which said summer schedule will include, as it did in the summer of 1909, a train affording satisfactory accommodation for passengers from Forest Glen and Gardiner northbound after 4 o'clock p. m. of each week day; now therefore, upon consideration, it is

Ordered: That respondent, The New York Central and Hudson River Railroad Company, operating the Wallkill Valley railroad, be and is hereby directed to put on and operate a passenger train running each week day from Gardiner on said railroad north to Kingston, the terminus of said railroad, leaving Gardiner about 5 o'clock in the afternoon each week day, and that the operation of said train shall commence on the 9th day of May, 1910, and continue each week day until the taking effect of respondent's summer schedule on said railroad, the respondent to also run said train, at its option, southbound from Kingston before or after the northbound trip of said train as aforesaid.

It is further Ordered: That respondent shall keep true account of the number of passengers boarding said train each week day at each station on both the northbound and southbound runs, and the revenue received by it from passengers so using said train at each station, including the cash fares collected from such passengers, and that a statement showing such account be filed with the Commission on or before the 10th day of July, 1910, together with such argument thereon as it may be advised should be submitted.

It is further Ordered: That said respondent shall on or before the 5th day of May, 1910, notify this Commission whether the terms of this order are accepted and will be obeyed; and that, if accepted, further proceedings in this case be suspended until after the 15th day of September, 1910.

[Case No. 1576]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the PORT JERVIS TRACTION COMPANY under section 103 of the Railroad Law for approval of a declaration of abandonment of a portion of its route.

Whereas, The Port Jervis Electric Light, Power, Gas and Railroad Company having on the 5th day of June, 1908, filed with this Commission under

section 103 of the Railroad Law a declaration of abandonment of that portion of its railway beginning at the intersection of Pike and East Main streets, and running thence along East Main street to Kingston avenue, and thence along Kingston avenue to the culvert, and thence through Culvert street to Kingston avenue to the northerly corporation line of the city of Port Jervis, constituting about one mile of line, and prayed by petition for approval thereof; and the said proceeding having been discontinued after hearing in consequence of the said company having been devested of title to said railway by sale of its property under judicial decree in foreclosure proceedings; and the Port Jervis Traction Company having been duly incorporated and having become the owner of said railway and assumed possession and operation thereof, did on the 10th day of April, 1910, file with the Commission a new declaration of abandonment for said part of its railway, beginning at the intersection of Pike and East Main streets and running thence along East Main street to Kingston avenue, and thence along Kingston avenue to the culvert, and thence through Culvert street to Kingston avenue to the northerly corporation line of the city of Port Jervis, known as the Kingston Avenue branch, together with a petition for approval of said declaration of abandonment; and the matter of said petition having been duly heard at Port Jervis on the 14th day of April, 1910, by the submission of testimony, and at the rooms of the Commission in Albany on the 2nd day of May, 1910, upon briefs and oral argument of counsel appearing herein; and

Whereas, It appears to the Commission that the railway property now owned by the applicant has not been successfully operated either actually or financially during its entire history, that the said Kingston Avenue branch has not yielded returns above operating expenses, that to restore said branch to proper operating conditions will involve the expenditure of approximately $14,000, and that while under the manner and methods of operation in recent years the service and accommodations afforded to the public on this branch have been wholly inadequate and frequently have ceased altogether to permit the making of car repairs, and statistics showing the patronage of the said branch when in fair physical condition with good equipment and regular service are lacking in this case, nevertheless the character of the branch itself is not such as would warrant any other expectation than that this branch line would if operated result in considerable loss of revenue and constitute a serious burden upon the finances of the new railway company; and

Whereas, The street railway in Port Jervis must continue to be operated with small patronage, and it is essential to the furnishing of satisfactory accommodation and good service to the public that the applicant company shall be enabled in all reasonable ways to secure a sufficient amount of gross revenue; and

Whereas, The Commission has given full weight and consideration to the interest of residents along and near the said Kingston Avenue branch in the retention of this branch line and its restoration to a state of adequate accommodation and service, and recognizes that considerable disadvantage would be entailed upon them by the abandonment of said branch, the Commission is further and more strongly impressed by the comparatively sparse traffic conditions in Port Jervis, the fact that if Port Jervis is to have continued adequate trolley service such service must be restricted for a considerable time at least to those portions of the city and vicinity which are likely to afford profits from operation, the facts involved in the extension of the applicant's line for a distance of about one mile to Sparrowbush for the recognized proper purpose of adding to the applicant's revenue as well as affording an additional required service, which said extension has been authorized by the Commission under resolution and order of this date, and the further fact that the applicant, a new company, can not expect in view of the general situation of its property and finances to market bonds in excess of its present issue at this time except at a ruinously low price therefor; now, after full consideration of all the conditions and circumstances involved herein, it is

Ordered: That the declaration of abandonment of said Kingston Avenue branch as filed herein by the applicant, Port Jervis Traction Company, be and

is hereby approved, and that the secretary of the Commission be and is hereby directed to indorse upon said declaration of abandonment or annex thereto a certificate to the effect that by resolution of this date the said declaration has been and is approved by the Commission, and to deliver the said declaration bearing such approval or with such approval annexed thereto to the applicant, Port Jervis Traction Company.

[Case No. 941]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of CITIZENS OF SPARROWBUSH AND CAHOONZIE, N. Y., *against* ERIE RAILROAD COMPANY.

This complaint alleges: (1) That the station maintained by the Erie Railroad Company at Sparrowbush, N. Y., consisting merely of a shelter open on three sides, was inadequate both as to size, protection, heating, and general accommodation; (2) That no agent is employed by the company at its Sparrowbush station, which is used by large numbers of summer boarders in the course of travel during that season, and in consequence no provision is made by the company for the checking and receiving and care of baggage at that station; (3) That considerable carload and less than carload freight is shipped to and from Sparrowbush, and that shippers are wrongfully compelled to ship and receive their less than carload freight at Port Jervis, while as to carload freight the billing is done at Port Jervis though received and delivered at Sparrowbush.

It appears that since this complaint was filed the company has erected an inclosed building to be used as a station at Sparrowbush, and from inspection made by the Commission's inspector and also by a member of the Commission, the building so provided is of fair appearance, has good seating accommodations, and is heated in the cold season. So much of the complaint as relates to station accommodations for passengers seems to have been satisfied. It also appears from the affidavit of J. C. Stuart, vice-president of the respondent, that an addition to the station or an adjacent building will be immediately provided for the care and storage of baggage at Sparrowbush, and that during the season from June 1st to September 15th of each year a railroad employee will be assigned to the duty of checking, loading, and unloading baggage at that point; and in the opinion of the Commission such addition or separate building for baggage, with a man in charge of the checking, loading, unloading, and delivery of baggage, will dispose of that part of the complaint which relates to baggage accommodations. It further appears that the carload freight at Sparrowbush is principally related to the tanning industry located there, and that the owner of that industry, the Hammond Leather Company, does not complain of the present facilities for handling either carload or less than carload freight; that a sidetrack is maintained for carload freight of other shippers, with telephone connection to the office of the company at Port Jervis, about two miles distant, where the billing is done; that the less than carload revenue for freight destined to Sparrowbush during the four months: June, July, August, and September, 1909, was $128.69, and for the three months: December, 1908, January and February, 1909, the revenue on such freight amounted to $41.88; that during these periods no less than carload freight was forwarded from Sparrowbush except by the Hammond Leather Company; that the employee who will be used during the summer months to

care for baggage now has and will have other duties, and he would not be competent nor have the time to take on the full duties of agent, including the sale of tickets; that the evidence does not show the amount of passenger revenue for interstate as well as state transportation to and from Sparrowbush, but from all of the circumstances here shown the Commission is of the opinion that the employment of an agent at Sparrowbush for the season or by the year is not now warranted; that the respondent should, however, keep a full and true account of the number of all passengers, both state and interstate, traveling to and from Sparrowbush from June 1 to December 31, 1910, inclusive, and the total amount of passenger revenue accruing to the respondent and to respondent and its connections, and file report thereof with the Commission; that a like account should be kept and report filed for the same period respecting the carload and less than carload freight carried to and from Sparrowbush and received and delivered at Port Jervis for account of shippers and consignees at Sparrowbush, including the Hammond Leather Company. The Commission is of the opinion that the proceeding should be discontinued, with leave to the complainants to apply at any time for a reopening of the case on the ground that the station building is used for purposes other than the accommodation of passengers, or that such accommodation is inadequate, and to file a new petition after February 1, 1911, praying for an order requiring the installation of an agent at Sparrowbush. Upon all of the facts and circumstances it is

Ordered: That no further proceedings be taken upon the present record in this matter, but that the respondent, Erie Railroad Company, shall file (1) a report on or before June 1, 1910, showing that it has erected a building of sufficient size, as an addition to or adjacent to its present Sparrowbush station, for the care of baggage, stating the size thereof, and that it has employed a proper person to load, unload, check, and receive baggage at Sparrowbush during the period June 1st to September 15th, inclusive, in each year; (2) a report on or before January 15, 1911, showing the number of passengers, both state and interstate, carried by it to and from Sparrowbush from June 1 to December 31, 1910, inclusive, and the total amount, by months and classes of tickets and cash fares, of revenue accruing therefrom to the respondent and also to its connecting lines; and a like report for the same period respecting the carload and less than carload freight shipped to and from Sparrowbush and Port Jervis for account of shippers and consignees at Sparrowbush, including all of such shippers and consignees.

It is further Ordered: That complainants or other persons at Sparrowbush shall have leave to apply at any time for a reopening of this case on the grounds that the station building is used for purposes other than the accommodation of passengers or that the accommodations provided for passengers are inadequate either as to the condition thereof or as to lighting inside or outside of said station building, and to file a new petition after February 1, 1911, if so advised, praying for an order requiring the respondent to install and maintain an agent at Sparrowbush.

[Case No. 1380]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF SMYRNA AND VICINITY *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, asking that passenger trains Nos. 67 and 68 stop at Smyrna station.

Modified Order.

Whereas, In the matter of the complaint of residents of Smyrna and vicinity against the New York, Ontario and Western Railway Company, an order was issued by this Commission dated April 26, 1910, which directed the New York, Ontario and Western Railway Company to stop at Smyrna station upon signal its train known and described as No. 67, said order to take effect immediately upon service of a certified copy thereof upon said company; and

Whereas, The New York, Ontario and Western Railway Company wishes to defer the execution of said order until May 22, 1910, at which time a new time-table will go into effect on the division in question, the same to indicate that train No. 67 will stop at Smyrna station upon signal; it is

Ordered: That the said order of the Commission shall take effect on May 22, 1910, and that the New York, Ontario and Western Railway Company be and it hereby is permitted to defer compliance therewith until said time.

[Case No. 1495]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS ALONG THE LINE OF THE NEW PALTZ, HIGHLAND AND POUGHKEEPSIE TRACTION COMPANY'S RAILROAD *against* said company, as to service rendered the public.

Whereas, The matter of this complaint was duly heard at Highland, February 16, 1910, and supplemental to the evidence herein inspection was made under direction of the Commission by Inspector Charles R. Barnes, and his report thereon having been duly made and served on the 6th day of May, 1910, upon Joseph A. Duffy, president of the New Paltz, Highland and Poughkeepsie Traction Company; and

Whereas, The said New Paltz, Highland and Poughkeepsie Traction Company, by its president, filed reply to said report stating that respondent company would comply with the recommendations therein contained provided the Commission would obtain for the company certain concessions from the Town of Lloyd, in Ulster county; and

Whereas, That one of the said recommendations set forth in the report of the inspector relates to the restoration of the shuttle car service between the High-

land ferry and the tracks of the West Shore railroad, the said service having been discontinued by the respondent company without the authority of this Commission; and

Whereas, It is further recommended to the respondent in said inspector's report as follows: to wit, " 1, That the company should run an additional train leaving New Paltz at 12 o'clock noon, arriving at Highland Landing at 12:45 p. m., leaving Highland Landing at 12:45, running to Highland Village and return, and leaving Highland Landing at 1:15 through to New Paltz. 2, That the 4:15 car from Highland Landing should be held seven minutes to connect with the 4:20 northbound train on the West Shore. The 5:45 short trip car from Highland Landing should be held six minutes to wait for the 5:49 southbound train on the West Shore. The 11:15 a. m. car should be held five minutes to wait for the 11:20 ferry."

Ordered: That the respondent, New Paltz, Highland and Poughkeepsie Traction Company, be and is hereby required to appear before the Commission at its office in Albany, New York, on Monday, the 23rd day of May, 1910, at 2 o'clock p. m., and show cause then and there why order should not be issued directing and requiring it, the said respondent, to comply with each and every of the recommendations hereinabove recited and set forth.

[Case No. 1005]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of May, 1910.

Present:
Frank W. Stevens, Chairman,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of the New York, Westchester and Boston Railway Company for permission to abandon that portion of the branch line of its route which extends from White Plains to what was called Hall's Corners and is now known as Elmsford, in Westchester county.

After due hearing and deliberation it is

Ordered: That pursuant to the provisions of chapter 579 of the laws of 1909 this Commission hereby consents to and approves of the abandonment by the New York, Westchester and Boston Railway Company of that portion of its route which is northerly and westerly of the village of White Plains in the county of Westchester and lying between White Plains and Hall's Corners, now Elmsford. That the said New York, Westchester and Boston Railway Company be and hereby is directed to file with this Commission a formal certificate of abandonment of said portion of its route, particularly describing the portion so abandoned; and that when the same is so filed this Commission will execute its certificate of approval for filing in the office of the Secretary of State as required by said statute.

[Case No. 1578]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 34 of the Railroad Law for an order consenting to the discontinuance of the freight and ticket agency at its Kalurah station, Carthage and Adirondack division, St. Lawrence county.

Whereas, In the matter of the application of The New York Central and Hudson River Railroad Company under section 34 of the Railroad Law, the applicant, at a hearing on the petition held in the city of Watertown on the 20th day of May, 1910, no one appearing in opposition thereto, proved that Kalurah station had been established for the purpose of affording facilities to the Mecca Lumber Company, and that such facilities were no longer necessary, said company having completed its operation at the point in question; and

Whereas, It appeared that there are no residents of the vicinity other than those who have been employed by said Mecca Lumber Company, it is

Ordered: That The New York Central and Hudson River Railroad Company be and it hereby is permitted to discontinue its freight and ticket agency at Kalurah, in the county of St. Lawrence; that said company be and hereby is required to stop its trains at Kalurah on signal, and to make the place a prepaid freight station, and that this order shall take effect immediately upon the service of the same.

[Case No. 1633]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the RESIDENTS OF THE VICINITY OF NIOBE, Chautauqua county, *against* ERIE RAILROAD COMPANY, asking that passenger train No. 8 stop at Niobe station.

After due deliberation it is

Ordered: That the matter of the complaint of the residents of the vicinity of Niobe, Chautauqua county, against Erie Railroad Company, asking that passenger train No. 8 stop at Niobe station, be and hereby is closed upon the records of this Commission, it appearing by letter from Mr. DeWitt Allen, representing the complainants, dated May 24, 1910, and received by this Commission May 25, 1910, that the respondent has complied with the request and has established a train service which is satisfactory to all concerned.

[Case No. 1498]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Complaints of J. W. FINCH and FRANK B. LOWN of Poughkeepsie, N. Y., and others, *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, as to delays to Hudson Division train No. 66.

Whereas, The New York Central and Hudson River Railroad Company has improved its service afforded to the public in the manner of operating its train between Albany and New York city known as No. 66; and

Whereas, No further action on the part of this Commission seems to be necessary; it is

Ordered: That the matter of complaints of J. W. Finch and Frank B. Lown of Poughkeepsie, N. Y., and others against The New York Central and Hudson River Railroad Company as to delays to Hudson Division train No. 66, be and hereby is closed upon the records.

[Case No. 1495]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of June, 1910.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of residents along the line of the New Paltz, Highland and Poughkeepsie Traction Company's railroad against said company, as to service rendered the public.

After hearing in the matter of this complaint, and the New Paltz, Highland and Poughkeepsie Traction Company having been cited to appear before this Commission to show cause why order should not be issued directing and requiring it to increase its passenger service between Highland Village and Highland Landing, and restore its abandoned passenger service between Highland Ferry and the West Shore crossing; and said company having appeared before this Commission on May 31, 1910, and been heard, the complainants also being represented at said hearing; now after due deliberation it is

Ordered: 1. That said company shall operate a passenger car between the ferry at Highland Landing and the east side of the West Shore railroad at Highland Landing, to meet each passenger car or train operating on its railroad to and from the west side of the West Shore railroad at Highland Landing, thus restoring a service which was discontinued by said company.

Ordered: 2. That said company shall on each week day operate to the ferry at Highland Landing a passenger car service leaving New Paltz at about 12 o'clock noon; and shall on each week day operate from the ferry at Highland Landing to Highland Village a passenger car or train leaving Highland Landing at about 12:45 p. m.; and shall on each week day operate a passenger

car or train between the ferry at Highland Landing and New Paltz, leaving Highland Landing at about 1:15 p. m.

Ordered: 3. That this order shall take effect on June 20, 1910, and shall continue in force until modified or abrogated by this Commission.

Ordered: 4. That said company shall notify this Commission on or before Friday, June 10, 1910, whether the terms of this order are accepted and will be obeyed.

[Case No. 587]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of DWIGHT S. MERVILLE ET AL. *v.* BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY as to inadequate passenger train service between Silver Lake Junction and Salamanca.

Ordered: That the matter of the complaint of Dwight S. Merville et al. against the Buffalo, Rochester and Pittsburgh Railway Company as to inadequate passenger service between Silver Lake Junction and Salamanca be and the same is hereby closed upon the records of this Commission, it being the opinion of the Commission that the service now afforded by the respondent between Silver Lake Junction and East Salamanca is satisfactory.

[Case No. 1287]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF ELMIRA *v.* ELMIRA WATER, LIGHT AND RAILROAD COMPANY as to the abolition of transfer points.

Whereas, In the matter of the complaint of the residents of Elmira against Elmira Water, Light and Railroad Company as to the abolition of transfer points, a letter dated May 10, 1910, was mailed to Milton L. Murdock, 518 Roe avenue, Elmira, N. Y., representing the complainants, stating that the Commission desired to know whether or not the complainants were in a position to produce evidence in support of the case should a date be set for a public hearing, and no reply having been received thereto a second letter dated May 26, 1910, was mailed to Milton L. Murdock at 518 Roe avenue, Elmira, N. Y., stating that unless he cared to have the case advanced to a hearing that it would be closed; no reply having been received to either communication, it is

Ordered: That the case be and hereby is closed upon the records of the Commission for want of prosecution.

[Case No. 1669]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 34 of the Railroad Law as to station at Philipse Manor.

Whereas, In the matter of the application of The New York Central and Hudson River Railroad Company under section 34 of the Railroad Law for consent to discontinue its present stopping place at Philipse Manor, the evidence taken at the hearing held in the matter June 7, 1910, shows that there are no passenger or freight facilities at the present stopping place now maintained by said road; that the only convenience for passengers to alight from or board trains at said place has consisted of platforms between the tracks; and

Whereas, It further appeared that there has recently been constructed by the Philipse Manor Company a station building about fifteen hundred feet north of the stopping place above mentioned, platforms and approaches to which are in process of construction; it is

Ordered: That the consent of this Commission be and it hereby is given to The New York Central and Hudson River Railroad Company to discontinue its present stopping place at such time as the new station is completed and opened to the public.

[Case No. 847]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of J. KIRTLAND MIDDLETON *against* NEW YORK STATE RAILWAYS as to discontinuance of a passenger and freight station at West Webster, Monroe county.

Whereas, The evidence taken at hearings in the matter indicates a lack of proper station facilities at West Webster,

Ordered: 1. That New York State Railways be and it hereby is directed and required forthwith to provide at West Webster upon the line of its road a passenger station, provided the use and occupation of a suitable building for the above mentioned purpose, and for necessary heating and lighting, and for the services of one man in and about said station, can be provided at a cost to the respondent for such building, light, heat, and services not to exceed thirty dollars ($30) per month; that said respondent shall on or before the 5th day of July, 1910, file with this Commission a report showing whether it can obtain the above mentioned facilities at not to exceed said

sum per month; and upon the filing of such report showing what action it has taken under this order the Commission will take such further action as may then seem proper.

Ordered: 2. This order shall take effect upon the service of a certified copy thereof upon said New York State Railways, and shall continue in force until modified or abrogated by this Commission.

Ordered: 3. That said New York State Railways shall notify this Commission on or before June 20, 1910, whether the terms of this order are accepted by said New York State Railways and will be obeyed by it.

[Case No. 1343]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of WAVERLY, SAYRE AND ATHENS TRACTION COMPANY under section 103 of the Railroad Law for approval of a declaration of abandonment of a portion of its constructed route.

Whereas, This matter, relating to the proposed abandonment of that part of applicant's line lying in Chemung street in the village of Waverly, has been duly heard and submitted upon the application, objections of the Village of Waverly, the testimony and briefs and arguments of counsel, and the matter of the application having been fully considered; and

Whereas, It appears that during the year ended June 30, 1909, there were collected 66,148 cash fares and 31,003 transfers upon the belt line of the applicant known as the Chemung Street belt, which includes the line on Chemung street proposed to be abandoned, and that such use by the public was for the entire belt line, but that there is no evidence showing the number of cash fares and transfers collected during that period or for any considerable period of time from passengers received at or destined to points on Chemung street; and

Whereas, It is deemed essential to the proper disposition of the proceeding that the applicant shall present to the Commission a record for a sufficient length of time of its passenger business arising exclusively from that part of its system which lies upon Chemung street as the part of line directly involved in this matter;

Ordered: 1. That this case be and is hereby reopened for the special purpose above set forth.

Ordered: 2. That beginning June 20, 1910, and continuing daily thereafter until and including October 19, 1910, the applicant, Waverly, Sayre and Athens Traction Company, shall secure and furnish to the Commission a true and full daily record respectively of all cash and ticket fares of every description collected from passengers boarding its cars on Chemung street in the village of Waverly, and of the number of such passengers, and a like record of the number of passengers leaving its cars on Chemung street in said village, the count thereof to be made at the times when such passengers are discharged from the cars; also, if practicable, the number of transfers issued from other parts of the applicant's system to passengers so leaving cars on Chemung street.

Ordered: 3. That such daily record, showing also the total number for each class of passengers, shall be made by the conductor of each car operated

on Chemung street and turned in to the applicant at the end of his run each day; and once in each week the record so made by each conductor, together with a summary thereof, and an affidavit under the title of this proceeding by each conductor showing that the said record is true and correct and has been truly and faithfully taken and made by him personally, shall be furnished to the Commission by the applicant and filed by the Secretary of the Commission in this proceeding.

Ordered: 4. That upon the coming in and filing of all said daily records transmitted as aforesaid, and covering the full period from June 20 to October 19, 1910, inclusive, this proceeding shall be considered as again submitted for determination by the Commission.

[Case No. 524]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of June, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of the Trustees of the Village of Nunda, Livingston county, and the Business Men's Association of said Village, *against* The Pennsylvania Railroad Company.

After due deliberation it is

Ordered: That the matter of the complaint of the trustees of the Village of Nunda, Livingston county, and the Business Men's Association of said village against The Pennsylvania Railroad Company be and the same hereby is closed upon the records of this Commission, there apparently being no necessity for further action on the part of the Commission.

[Case No. 1564]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of June, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of Residents of the Towns of Walton, Franklin, and Hamden, Delaware county. *against* New York, Ontario and Western Railway Company, asking that passenger trains Nos. 55 and 56 stop on signal at West Brook on said company's railway.

Whereas, In the matter of the complaint of residents of Walton, Franklin, and Hamden, Delaware county, against the New York, Ontario and Western Railway Company, asking that passenger trains Nos. 55 and 56 stop on signal at West Brook on said company's railway, the evidence given at the

hearing held June 2, 1910, shows that the stopping of said trains as requested will satisfy a public need without serious inconvenience to the railway company,

Ordered: That the New York, Ontario and Western Railway Company be and it hereby is required to stop at West Brook, upon signal, its train known and described as No. 55 northbound, and No. 56 southbound called the "Utica Flyer," running between the village of Delhi and the city of Utica; and it is further

Ordered: That this order shall take effect immediately upon service of a certified copy thereof upon the New York, Ontario and Western Railway Company, and shall continue in force until modified or abrogated by this Commission; that said Company shall notify this Commission on or before the 24th day of June, 1910, whether the terms of this order are accepted and will be obeyed.

[Case No. 670]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF VARYSBURG, Wyoming county, AND OTHER PLACES *against* BUFFALO, ATTICA AND ARCADE RAILROAD COMPANY as to service rendered the public.

Whereas, In the matter of the complaint of residents of Varysburg, Wyoming county, and other places against Buffalo, Attica and Arcade Railroad Company as to service rendered the public, Mr. John Knight, representing complainants, advised the Commission under date of April 20, 1910, that the present schedule is an improvement upon the one against which the complaint was directed; and

Whereas, It is the opinion of Mr. Walter P. Cooke, attorney for the company, that a certain connection which Mr. Knight desires to be made would violate the 16-hour law, and no reply having been received from Mr. Knight concerning that point, although his advice has been requested by letters dated May 12, 1910, and June 1, 1910, respectively;

Ordered: That the same be and hereby is closed upon the records of this Commission.

[Case No. 1538]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF DUNKIRK AND FREDONIA *against* BUFFALO AND LAKE ERIE TRACTION COMPANY and THE CHAUTAUQUA TRACTION COMPANY as to passenger cars of said companies not making proper connections at Westfield.

After due deliberation it is

Ordered: That the matter of the complaint of residents of Dunkirk and Fredonia against the Buffalo and Lake Erie Traction Company and The Chautauqua Traction Company as to passenger cars of said companies not making proper connections at Westfield, be and the same hereby is closed upon the records of this Commission, it appearing by letter from H. J. Westwood, attorney for complainants, Fredonia, N. Y., dated June 16, 1910, and received by this Commission June 17, 1910, that the matter of the complaint has been adjusted to the satisfaction of the complainants, who are now willing that the case should be closed.

[Case No. 1677]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF PHILMONT *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to discontinuance of trains Nos. 14 and 15 on the New York and Harlem division of said company's railroad.

After due deliberation it is

Ordered: That the matter of the complaint of residents of Philmont against The New York Central and Hudson River Railroad Company as to discontinuance of trains Nos. 14 and 15 on the New York and Harlem division of said company's railroad, be and the same hereby is closed upon the records of this Commission, it appearing by letters from Frank B. Harder, representing the complainants, dated June 11 and June 17, 1910, respectively, that the subject of the complaint has been satisfactorily adjusted with the company and that the complainants are satisfied to have the case closed.

[Case No. 250]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of BRYN MAWR PARK IMPROVEMENT ASSOCIATION OF YONKERS *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY relative to passenger train service on the Putnam division.

After due deliberation it is

Ordered: That the Complaint of Bryn Mawr Park Improvement Association of Yonkers against The New York Central and Hudson River Railroad Company relative to passenger train service on the Putnam division be and the same hereby is closed upon the records of this Commission, it appearing by letter from Albert E. Henning, in behalf of the Association, dated June 29, 1909, and received June 30, 1909, that the matter of complaint has been satisfactorily arranged with the Railroad company.

[Case No. 1446]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of ALMA M. DEDERICK AND OTHERS *against* THE ULSTER AND DELAWARE RAILROAD COMPANY, asking that passenger train No. 2 on said company's railroad stop at Olive Branch station.

After due deliberation it is

Ordered: That the matter of the complaint of Alma M. Dederick and others against The Ulster and Delaware Railroad Company, asking that passenger train No. 2 on said company's railroad stop at Olive Branch station, be and the same is hereby closed upon the records of this Commission, the company having put into effect a new schedule for the operation of said train; and it also appearing by letter from Alma M. Dederick, representing the complainants, dated June 27, 1910, and received by this Commission June 27, 1910, that she has no further occasion to use the train in question at the present time, and that a hearing in the matter will be unnecessary.

[Case No. 1508]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of June, 1910.

Present:
Frank W. Stevens, Chairman,
James E. Sague,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of Hiram H. Edgerton, Mayor of the City of Rochester, *against* New York State Railways as to inadequate car service.

Ordered: 1. That the New York State Railways be and it hereby is directed to cause the cars of the Rochester, Syracuse and Eastern Railway Company to be operated over its tracks in the city of Rochester as follows: all westbound cars to run through Franklin street. Andrews street, State street, Allen street, and Plymouth avenue, returning eastbound on Main street from Plymouth avenue to University avenue, except train 76, due to leave Four Corners at 6 p. m., and train 42, due to leave Four Corners at 6.05 p. m., both of these trains to be operated as at present, crossing the Main Street tracks at the corner of State street and running via Exchange, Court, and Clinton streets to Main street.

Ordered: 2. That this order shall take effect immediately upon the service of a certified copy thereof upon the New York State Railways.

[Case No. 1495]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of June, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
Commissioners.

In the matter of the Complaint of Residents Along the Line of the New Paltz, Highland and Poughkeepsie Traction Company's Railroad, *against* said company as to service rendered the public.

Ordered: That because of the destruction by fire on June 26th of respondent's shuttle car at Highland Landing, so much of the order entered herein on the 3d day of June, 1910, as required respondent to run a shuttle car between the West Shore track and the ferry at Highland Landing in connection with its regular road service be and is hereby suspended until July 4, 1910, on which date and at the first car operation on said date, and thereafter, the said requirement in said order shall again be effective and in full force.

[Case No. 1549]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the matter of the Complaint of TIONA OIL COMPANY *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY.

Whereas, This complaint alleges inadequate service in the transportation of petroleum oil in less than carload lots from Utica to points on the line of respondent's railway, and it appears that such service is now restricted to Wednesday of each week; and it being the opinion of the Commission, based upon the concession of the respondent made at the hearing held herein at the city of Albany on the 2d day of June, 1910, and the statement of one of complainant's witnesses, that the service of respondent in the transportation of petroleum oil in less than carload quantities from Utica should be increased so that such service shall be rendered at least twice in each week, but that such service if restricted at all should not be rendered on Saturdays, and if limited to two days in each week there should be at least two full days intervening between the first and second day's service: for example, if the first day of service shall be Monday, the second day of service shall be Thursday; and if the first day of service shall be Tuesday, the second day of service shall be Friday; and

Whereas, In the opinion of the Commission the order to be entered in this case should not be construed in anywise to prevent the complainant from bringing a new complaint and showing necessity for an increase of the service herein found reasonable; it is now, after consideration of the facts,

Ordered: That New York, Ontario and Western Railway Company is hereby directed to discontinue its practice of restricting its service in the transportation of petroleum oil in less than carloads to one day in each week, which is hereby found and declared to be unreasonable, and to substitute therefor, by suitable change of its tariff regulations, a practice whereby the said respondent shall render transportation service in the carriage of less than carload quantities of petroleum oil from Utica in the State of New York on two days of each week, or such greater number of days as it shall specify; provided that in establishing such new practice, if respondent shall limit its service to five days or less in each week, such service shall not be rendered on Saturday; and provided further that if in establishing such new practice respondent shall limit its service to two days in each week, then at least two full calendar days shall elapse after the first day of service in each week and before the last day of service in each week.

It is further Ordered: That complainant or other persons interested shall have leave to file a new complaint at any time in relation to the said practice, and thereupon show that the minimum service hereby required should be increased.

It is further Ordered: That this order shall be effective from and after the 7th day of July, 1910, and shall remain in force until changed or superseded by further order of the Commission.

[Case No. 1686]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of CROSSTOWN STREET RAILWAY COMPANY OF BUFFALO under section 184 of the Railroad Law for approval of the declaration of abandonment of that portion of said company's constructed railroad in Kehr street, between French and Genesee streets, in the city of Buffalo, N. Y.

Whereas, It appears by the petition in the above entitled matter that the directors of the petitioner did, on the 6th day of June, 1910, adopt a declaration of abandonment of that portion of its railroad in the city of Buffalo in Kehr street, between French and Genesee streets, and that thereafter and on the 7th day of June, 1910, the stockholders of said company did duly ratify and adopt said declaration of abandonment; and

Whereas, It further appears by the petition herein that prior to the adoption of said resolution by said directors and adoption thereof by the stockholders, the City of Buffalo through its common council did duly consent to the abandonment of that portion of the route above mentioned, as appears by resolution adopted by the board of aldermen of the City of Buffalo on the 16th day of May, 1910, a certified copy of which is annexed to and made a part of the petition herein; and that the property owners whose property abuts upon said portion of said route herein mentioned have consented to and requested the abandonment; and that the portion of the petitioner's route which it is proposed to thus abandon is no longer necessary in the operation of the road for the accommodation and convenience of the public for reasons which are more fully set forth in the said declaration;

Ordered: That the said declaration of abandonment, duplicate originals of which are on file in this office and made a part of the petition herein, be and the same is hereby approved, and that such approval shall be indorsed thereon in accordance with section 184 of the Railroad Law.

[Case No. 1286]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF CENTRAL VALLEY, Orange county, *against* ERIE RAILROAD COMPANY as to conditions for the accommodation of passengers at the station of said company in Central Valley.

After due deliberation it is

Ordered: That the matter of the complaint of the residents of Central Valley, Orange county, against Erie Railroad Company as to conditions for

the accommodation of passengers at the station of said company in Central Valley, be and the same hereby is closed upon the records of this Commission, it appearing by letter from J. Wallace Bush, attorney for the complainants, dated July 5, 1910, and received July 6, 1910, that the improvement at the Central Valley station is practically completed, and that complainants are satisfied to have the case closed.

[Case No. 1746]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the POUGHKEEPSIE CITY AND WAPPINGERS FALLS ELECTRIC RAILWAY COMPANY under section 54 of the Railroad Law for consent to the discontinuance of the waiting room on the Hospital branch of the Central New England railway at North street, in the city of Poughkeepsie.

Whereas, The petition in the above entitled matter alleges that the Poughkeepsie City and Wappingers Falls Electric Railway Company is a street surface railroad corporation under the laws of the State of New York, and that an agreement between said company and the Central New England Railway Company for the operation of a passenger service on what is known as the Hospital branch of the Central New England railway was approved by this Commission June 2, 1910; and it further appearing that the Central New England Railway Company now maintains a waiting room on said Hospital branch at North street, in the city of Poughkeepsie, which is used merely as a shelter and where no tickets are sold; and that the making of necessary track connections as provided for in the contract hereinbefore mentioned for the operation of the electric service provided for in said contract requires the removal of said waiting room and shelter station; and

Whereas, The said waiting room and shelter station will no longer be used or required when the electric service provided for by said contract is instituted; and

Whereas, It is the opinion of Commissioner Sague, by reason of his personal knowledge of the situation in question, that the allegations contained in the petition herein are true, and that the said waiting room and shelter station will no longer be necessary for the purposes for which it was constructed;

Ordered: That the said Poughkeepsie City and Wappingers Falls Electric Railway Company be and it hereby is permitted, pursuant to section 54 of the Railroad Law, to discontinue said waiting room and shelter station and to remove the same from its present location, for the reasons hereinabove stated.

[Case No. 1418]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
John B. Olmsted,
Commissioners.

In the matter of the Complaint of Wright Broadhead and Others *against* Warren and Jamestown Street Railway Company.

The respondent makes and files an application for a rehearing in this case. Rule 16 of this Commission, which governs the practice upon an application for a rehearing under section 22 of the Public Service Commissions Law, provides that an application must state specifically the grounds upon which the application is based. It further provides "If the application be for a rehearing, the petition must specify the findings of fact and conclusions of law claimed to be erroneous, with a brief statement of the grounds of error; and when any decision, order, or requirement of the Commission is sought to be reversed, changed, or modified on account of facts and circumstances arising subsequent to the hearing, or of consequences resulting from compliance with such decision, order, or requirement which are claimed to justify a reconsideration of the case, the matters relied upon by the applicant must be fully set forth."

Upon the hearing of this case the principal defense made upon the merits by the respondent was in relation to the effect upon respondent's time schedule of making the stop in question, and also of possible injurious effects to its power plant by reason of the demand for power owing to the particular place and time where the stop was to be made. The order has been in operation now for nearly four months, and it is noted that in the application for a rehearing there is an entire absence of any allegation whatsoever of any difficulty in the operation of respondent's road because of the stop ordered. The absence of any allegation that the effects upon which the respondent relied in opposing the granting of the original order have occurred, disposes of the case wholly upon the merits.

The first ground upon which the rehearing is sought is that the Commission had no power to make the order in question. This question was fully discussed by the Commission in its opinion, but it is well to point out that section 50, as amended by the recent Legislature, now explicitly provides that this Commission may order additional stations whenever in its judgment the same are reasonable in order to secure adequate service and facilities for the transportation of passengers.

As to the number of persons to be accommodated by the stop, the applicant carefully refrains from pointing out how many persons have been accommodated during the four months the order has been in operation. This is a matter which, according to the rules, should be fully set forth.

The third ground of error alleged is that the stop was ordered on a private right of way where the statute of the State of New York requires fences to be erected. If there is no public access to this point, and there are no people to be accommodated, the respondent does not have to stop its cars. Allegations of error unaccompanied by a statement of facts within the knowledge of respondent can not be expected to receive very careful attention. The framing of the petition for a rehearing is such that it is unnecessary to consider it further; therefore it is

Ordered: That the application of the Warren and Jamestown Street Railway Company for a rehearing be and the same is hereby denied.

[Case No. 1637]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of G. P. GERMAN AND OTHERS as to the operation of a "Limited" car by the Schenectady railway in the afternoon on secular days of the week, from Schenectady to Troy.

After due deliberation it is

Ordered: That the complaint of G. P. German and others as to the operation of a "Limited" car by the Schenectady railway in the afternoon on secular days of the week, from Schenectady to Troy, be and hereby is closed on the records of this Commission, complaint having advised, under date of July 21st, that the arrangement of the company for the operation of this car in advance of the local car running between these cities is a satisfactory adjustment of the complaint.

[Case No. 1675]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of RESIDENTS OF HAMDEN, Delaware county, N. Y., as to conditions at the Delancey station of the New York, Ontario and Western Railway Company.

After due deliberation it is

Ordered: That the complaint of residents of Hamden, Delaware county, N. Y., as to conditions at the Delancey station of the New York, Ontario and Western Railway Company, be and hereby is closed upon the records of this Commission, C. L. Combes, representing complainants, having under date of July 20th agreed to such action, reserving to complainants the right to reopen the case if in the future the company does not satisfactorily improve conditions complained of.

[Case No. 1272]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint and Petition of EDWARD S. AGOR for an order directing the Mahopac Falls Railroad Company and The New York Central and Hudson River Railroad Company to run their cars for the transportation of passengers and property at regular times over the Mahopac Falls railroad.

In the matter of the complaint and petition of Edward S. Agor for an order directing The Mahopac Falls Railroad Company and The New York Central and Hudson River Railroad Company to run their cars for the transportation of passengers and property at regular times over the Mahopac Falls railroad,

Ordered: 1. That the opinion prepared by Commissioner Decker in the above entitled proceeding be and is hereby adopted as the opinion of the Commission, and ordered printed; and that said complaint be and it is hereby dismissed so far as it relates to the restoration of the abandoned track from Mahopac Falls to Mahopac Mines and the restoration of railroad service between those points.

Ordered: 2. That said complaint so far as it relates to freight and passenger service between Baldwin Place and Mahopac Falls be and is hereby held open for further hearing and investigation.

[Case No. 228]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the discontinuance of operation of the High Street line of the Black River Traction Company, in the city of Watertown.

Whereas, In the matter of the discontinuance of operation of the High Street line of the Black River Traction Company in the city of Watertown, the said company was by order of this Commission dated November 10, 1908, directed to install derailers at all steam railroad crossings upon that part of its route extending along High street in the city of Watertown, N. Y., and also suitable troughs under the trolley wires extending over said railroad crossings; said order having been executed in reference to the troughs to the satisfaction of the Commission, and it appearing by letter from L. Schwarzmann, superintendent, dated June 18, 1910, received by this Commission June 20, 1910, that the High Street derailers have been installed, it is

Ordered: That the case be and the same hereby is closed upon the records of this Commission.

[Case No. 861]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the RESIDENTS OF OSSINING *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to lack of passenger station or shelter at Philipse Manor.

After due deliberation it is

Ordered: That the above entitled matter be and hereby is closed upon the records of the Commission, the question of the merits of the case having been passed upon in the application of The New York Central and Hudson River Railroad Company under section 34 of the Railroad Law for permission to discontinue the former stopping place at Philipse Manor, Case 1669.

[Case No. 1532]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of ROBERT J. SCHULTZ of Irving, Chautauqua county, *against* BUFFALO AND LAKE ERIE TRACTION COMPANY as to passenger fare between Silver Creek, West Irving, and Irving, Chautauqua and Erie counties, and as to lack of shelter station at West Irving.

Whereas, In the above entitled matter the complainant, Robert J. Shultz, stated at a hearing held in the city of Buffalo June 3, 1910, that the closing of the complaint would be satisfactory to him, upon the filing with this Commission by the respondent of a new tariff in accordance with a draft of the same which was presented at said hearing; and

Whereas, This tariff was received under date of July 25, 1910, and is now on file in this office as supplement No. 2 to passenger tariff P. S. C., 2 N. Y., No. 8, of the Buffalo and Lake Erie Traction Company; it is

Ordered: That the case be and hereby is closed upon the records of this Commission.

[Case No. 1780]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
Frank W. Stevens, Chairman,
James E. Sague,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of Albert W. Ferris and Others *against* The Delaware and Hudson Company as to inefficient service on its Chateaugay branch.

Whereas, In the above entitled matter complainant having alleged an unreasonable and unjustifiable delay to train No. 338, caused by mismanagement on the part of The Delaware and Hudson Company, said Company was directed by order of this Commission dated July 27, 1910, to show cause on the 3rd day of August, 1910, (1) why train No. 338 was delayed as alleged in the above mentioned complaint; (2) to furnish this Commission with a copy of its rules for the operation of passenger trains now in force and effect on said road under and by virtue of which train No. 338 was held and delayed as alleged; (3) why this Commission should not make rules and regulations which will prevent delays of the nature described and set forth in the complaint herein; and

Whereas, It appeared by statements made by the operating officials of The Delaware and Hudson Company at the hearing on the 3rd day of August, 1910, that the allegations in the complaint concerning the delay are in general correct, and that in the opinion of said officials a delay to the extent complained of should not have been occasioned; and

Whereas, A copy of an order made by C. E. McKim, general superintendent of transportation, to A. T. Benjamin, division superintendent, dated August 6, 1910, has been received by this Commission, wherein the latter is directed to run an extra section of train No. 338 when the connection for that train is more than 50 minutes late arriving at Bluff Point; it is

Ordered: That the matter be and hereby is closed upon the records of this Commission.

[Case No. 1839]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of August, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of John Opel and Other Residents of Phillipsport, Sullivan county, *against* New York, Ontario and Western Railway Company (Kingston branch) as to passenger station facilities.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to said New York, Ontario and Western Railway Company, and that the matters complained

of be satisfied by said company, or that the charges in said complaint be answered in writing within twenty days from the service upon said company of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of said company shall be filed with the Secretary of this Commission at Albany, and a copy of said answer shall be served by said company, either personally or by mail, upon complainant at his postoffice address, Phillipsport, N. Y.; that proof of such service shall be filed with the Secretary of this Commission, and complainant shall notify the Secretary of receipt of a copy of said answer.

[Case No. 891]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF FILLMORE, Allegany county, *against* THE PENNSYLVANIA RAILROAD COMPANY as to passenger train service on the Rochester division.

After due hearing and deliberation it is

Ordered: That the matter of the complaint of residents of Fillmore, Allegany county, against The Pennsylvania Railroad Company as to passenger train service on the Rochester division be and hereby is closed upon the records of this Commission, it appearing by letter from W. L. Young, representing the complainants, dated September 6, received by this Commission September 7, 1910, that the complainants do not care to continue the matter further at the present time.

[Case No. 1742]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF MERRICKVILLE AND VICINITY, Delaware county, *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY as to construction of a new passenger station at Merrickville and the employment of an agent.

After due deliberation it is

Ordered: That the matter of the complaint of residents of Merrickville and vicinity, Delaware county, against the New York, Ontario and Western Railway Company as to construction of a new passenger station at Merrickville and the employment of an agent, be and the same is hereby closed upon the records of this Commission, it appearing by a letter from M. R. Brown, representing the complainants, dated September 2, 1910, received by this Commission September 6, 1910, that the arrangement which has been made

by the New York, Ontario and Western Railway Company for better passenger station facilities at Merrickville is satisfactory to the complainants for the present.

[Case No. 1480]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of September, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of Savannah Grange No. 131 *against* Rochester, Syracuse and Eastern Railroad Company as to the lack of proper passenger station facilities at Savannah upon the road of said company.

In the above entitled matter it is

Ordered: That the agreement between the Rochester, Syracuse and Eastern Railroad Company and Wethey & Sherman, relative to a lease for a station at Savannah, submitted to this Commission for approval by the said railroad company, be and the same is hereby approved, and that the time for complying with the order of April 27th relative to said station be and the same is hereby extended to the 1st day of January, 1911.

[Case No. 1663]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of Residents of Forest, Clinton county, *against* Rutland Railroad Company as to the station of said company at Forest.

There having been filed with this Commission on May 27, 1910, a complaint signed by residents of Forest, Clinton county, against the Rutland Railroad Company as to the condition of the freight and passenger station of said company at Forest, and asking that this Commission direct said company to build a new freight and passenger station building; and a copy of the complaint having been sent to said company and its answer received; and public hearing on said complaint having been held by Commissioner Carlisle at said Forest station on September 2, 1910. *Benjamin F. Feinberg* appearing for complainants and *E. W. Lawrence* appearing for the Rutland Railroad Company; now upon the aforesaid complaint, answer, and evidence at the hearing, and after due deliberation, it is

Ordered: That in order to promote the security and convenience of the public and to secure adequate service and facilities for the transportation of passengers and property, the Rutland Railroad Company is hereby directed to, on or before December 1, 1910, erect a suitable combined passenger and

freight station building for the accommodation of the public at its station at Forest, Clinton county; and said Rutland Railroad Company is hereby directed to, on or before October 1, 1910, file with this Commission plans showing the proposed location and all general dimensions of the freight and passenger station building to be erected in pursuance of this order, subject to the approval of this Commission; this Commission hereby reserving jurisdiction to, by supplemental order or orders, direct changes to be made in the location or in the various dimensions or in the character of the station building to be erected; it is

Further Ordered: That this order shall take effect upon the service of a certified copy thereof upon said Rutland Railroad Company; it is

Further Ordered: That said Rutland Railroad Company shall notify this Commission on or before September 22, 1910, whether the terms of this order are accepted by said company and will be obeyed by it.

[Case No. 1663]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF FOREST, Clinton county, *against* RUTLAND RAILROAD COMPANY as to the station of said company at Forest. Order as to plans.

Ordered: That the plans of a standard railroad station to be erected at Forest, N. Y., submitted by the Rutland Railroad Company September 19, 1910, consisting of three sheets, be and hereby are approved.

[Case No. 1747]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF WESTFIELD, Chautauqua county, *against* BUFFALO AND LAKE ERIE TRACTION COMPANY, alleging failure to comply with provision of franchise as to stopping cars at farmhouses and crossroads in said town.

After due deliberation it is

Ordered: That the complaint of the residents of the town of Westfield, Chautauqua county, N. Y., against the Buffalo and Lake Erie Traction Com-

pany, for alleged failure to comply with the provisions of a franchise for stopping cars at farmhouses and crossroads in said town, be and the same is hereby closed on the records of this Commission, the right to a hearing at a future time being hereby reserved; it appearing by card from L. W. Chapman dated September 11, 1910, and received by this Commission September 13, 1910, that the complainants are not desirous of a hearing or the further attention of the Commission in the case, at present.

[Case No. 863]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of September, 1910.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED.
Commissioners.

In the matter of the Complaint of RESIDENTS OF CUBA, N. Y., AND OTHERS *against* THE PENNSYLVANIA RAILROAD COMPANY, alleging insufficient passenger train service on the Rochester division of said company's railroad.

After due deliberation it is

Ordered: That the matter of the complaint of residents of Cuba, N. Y., and others, against The Pennsylvania Railroad Company, alleging insufficient passenger train service on the Rochester division of said Company's railroad, be and the same is hereby closed upon the records of this Commission for want of prosecution, without prejudice to the filing of an application by complainants to reopen the proceeding.

[Case No. 884]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of September, 1910.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of RESIDENTS OF BELFAST, Allegany county, N. Y., *against* THE PENNSYLVANIA RAILROAD COMPANY relative to passenger train service on the Rochester division.

Whereas, In the above entitled matter a letter was written dated July 16, 1910, and addressed to James C. Earle, complainant's representative, Belfast, New York, wherein he was requested to advise the Commission whether or not a hearing in the case was desired; and a reply having been received from Edward Rutherford, counselor at law, Belfast, N. Y., wherein it is stated that James C. Earle had removed to Olean, N. Y., and that it was uncertain whether or not the people desired a hearing; and

Whereas, A second letter was written to James C. Earle dated July 27, 1910, and no reply having been received thereto; now therefore

Ordered: That the case be and the same is hereby closed upon the records of this Commission for want of prosecution, without prejudice to the filing of an application by complainants for a reopening of this proceeding.

[Case No. 885]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of September, 1910.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of RESIDENTS OF BLACK CREEK AND VICINITY *against* THE PENNSYLVANIA RAILROAD COMPANY as to passenger train service on the Rochester division.

After due deliberation it is

Ordered: That the matter of the complaint of the residents of Black Creek and vicinity against The Pennsylvania Railroad Company as to passenger train service on the Rochester division be and the same is hereby closed upon the records of this Commission for want of prosecution, without prejudice to the filing of an application by complainants to reopen this proceeding, letters having been written to N. C. McElheny, attorney for complainants, Black Creek, N. Y., dated July 15th and 27th respectively, asking if a hearing in the matter was desired, and no reply having been received to either communication.

[Case No. 1443]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of complaints and reports as to delays of trains Nos. 603 and 605 of The Delaware and Hudson Company operating upon the belt line between Albany and Troy.

After due deliberation it is

Ordered: That the matter of complaints and reports as to delays of trains Nos. 603 and 605 of The Delaware and Hudson Company operating upon the belt line between Albany and Troy be and hereby is closed upon the records of this Commission, no complaint or other communication having been received since March 28, 1910, with reference to the operation of said trains.

[Case No. 1872]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Joint Application of J. Addison Young as Receiver of The Westchester Electric Railroad Company, The Westchester Electric Railroad Company, and New York and Stamford Railway Company, for the approval of proposed agreement relative to the operation of through cars from New Rochelle to points on the line of the last named company.

After due hearing and deliberation it is

Ordered: That the proposed agreement for the operation of through cars, between J. Addison Young as Receiver of The Westchester Electric Railroad Company, party of the first part, The Westchester Electric Railroad Company, party of the second part, and New York and Stamford Railway Company, party of the third part, a copy of which agreement is annexed to the application of said parties for this approval and marked Exhibit "A," as the same is proposed to be amended in a communication in writing dated September 22, 1910, signed by Mr. William Greenough, the attorney of record for The Westchester Street Railroad and New York and Stamford Railway Company in this proceeding, such communication having been duly filed herein, be and the same is hereby, pursuant to section 54 of the Public Service Commissions Law, approved. This approval is upon the express condition that nothing in said agreement contained, either express or implied, which is in conflict with any provision of the Public Service Commissions Law or any other law of the State of New York, or which may be intended or construed to in any manner whatsoever limit or modify the lawful powers of the Public Service Commission, Second District, or any other commission or body hereafter created by law with powers of supervision, control, or regulation over the said corporations or the roads operated by them, or their successors, assigns, or receivers or any of them, whether as to the matter of rates, fares, operation, service, or otherwise of the said parties, shall be considered or treated as approved hereby so far as they may attempt to limit or modify such powers; and that this Commission shall have and retain all powers over said corporations which it now possesses or may hereafter be conferred upon it by law.

[Case No. 1873]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman.
MARTIN S. DECKER.
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Application of J. ADDISON YOUNG AS RECEIVER OF THE WESTCHESTER ELECTRIC RAILROAD COMPANY, THE WESTCHESTER ELECTRIC RAILROAD COMPANY, and THE WESTCHESTER STREET RAILROAD COMPANY, for the approval of proposed agreement relative to the operation of through cars from Mount Vernon to White Plains.

After due hearing and deliberation it is

Ordered: That the proposed agreement for the operation of through cars, between J. Addison Young as Receiver of The Westchester Electric Railroad Company, party of the first part, The Westchester Electric Railroad Company, party of the second part, and The Westchester Street Railroad Company, party of the third part, a copy of which agreement is annexed to the application of said parties for this approval and marked Exhibit "A," as the case is proposed to be amended in a communication in writing dated September 22, 1910, signed by Mr. William Greenough, the attorney of record for The Westchester Street Railroad Company, in this proceeding, such communication having been duly filed herein, be and the same is hereby, pursuant to section 54 of the Public Service Commissions Law, approved. This approval is upon the express condition that nothing in said agreement contained or in said amendment thereof, either express or implied, which is in conflict with any provision of the Public Service Commissions Law or any other law of the State of New York, or which may be intended or construed to in any manner whatsoever limit or modify the lawful powers of the Public Service Commission, Second District, or any other commission or body hereafter created by law with powers of supervision, control, or regulation over the said corporations or the roads operated by them, or their successors, assigns, or receivers or any of them, whether as to the matter of rates, fares, operation, service, or otherwise of the said parties, shall be considered or treated as approved hereby so far as they may attempt to limit or modify such powers; and that this Commission shall have and retain all powers over said corporations which it now possesses or may hereafter be conferred upon it by law.

[Case No. 1874]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF ARKPORT, Steuben county, *against* ERIE RAILROAD COMPANY, asking that said company erect and maintain a new freight and passenger station at that point.

After due deliberation it is

Ordered: That the matter of the complaint of the residents of Arkport, Steuben county, against Erie Railroad Company, asking that said company erect and maintain a new freight and passenger station at that point, be and the same hereby is closed upon the records of this Commission without prejudice to the right of the complainants to reopen the case in the event that the respondent company does not carry out its proposed plans, it appearing by a letter from James A. Parsons, attorney for the complainants, dated October 5, and received by this Commission October 6, 1910, that the action taken by the respondent to improve the station facilities at Arkport is agreeable to the complainants and satisfactorily disposes of the matter.

[Case No. 1877]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF ISCHUA, Cattaraugus county, *vs.* WESTERN NEW YORK AND PENNSYLVANIA RAILWAY COMPANY and THE PENNSYLVANIA RAILROAD COMPANY as lessee of the Western New York and Pennsylvania railroad.

Whereas, A hearing was had upon the above complaint at the office of the Commission in the city of Buffalo on the 7th day of October, 1910, at which appearance was made by the complainants, respondents, and also by a large number of the residents of the village and town of Ischua in person and by their counsel, George E. Spring; and the complainants having failed to establish any case whatsoever for relief; and it appearing that the location of the station of the respondents complained of was established at the suggestion of the town board of the Town of Ischua, and was satisfactory to the greater portion of the people of the town; now therefore

Ordered: That the complaint herein be and the same is hereby dismissed.

[Case No. 1495]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman.
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the complaint of residents along the line of the New Paltz, Highland and Poughkeepsie Traction Company's railroad against said company as to service rendered the public.

Ordered: That the matter of the complaint of residents along the line of the New Paltz, Highland and Poughkeepsie Traction Company's railroad against such company as to service rendered the public be and the same is hereby closed upon the records of this Commission, the order entered herein on the 3rd day of February, 1910, having been obeyed.

[Case No. 1663]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman.
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF FOREST, Clinton county, *against* RUTLAND RAILROAD COMPANY as to the station of said company at Forest.

Ordered: That the proposed location of the station at Forest, N. Y., as shown upon the blue-print filed with this Commission, be and the same is hereby approved.

[Case No. 1744]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of October, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Petition of The Long Island Railroad Company under section 53 of the Public Service Commissions Law for permission to alter or change the route of its constructed railroad, Northport branch; and under section 54 of the Railroad Law for consent to the discontinuance of its present Cold Spring station and its re-location at another point.

Ordered: That the matter of the petition of The Long Island Railroad Company under section 53 of the Public Service Commissions Law for permission to alter or change the route of its constructed railroad; and under section 54 of the Railroad Law for consent to the discontinuance of its present Cold Spring station and the re-location of the same at another point; be and the same hereby is closed, without prejudice to the filing of a new petition, the petition in the matter having been withdrawn at the hearing held herein on the 14th day of October, 1910.

[Case No. 1912]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of October, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of Residents of Marcy, Oneida county, *against* The New York Central and Hudson River Railroad Company, asking that trains Nos. 60 and 63 (passenger) make stops at Marcy, on the Rome, Watertown and Ogdensburg division of said company's railroad.

Ordered: That the matter of the complaint of residents of Marcy against The New York Central and Hudson River Railroad Company, asking that trains 60 and 63 (passenger) make stops at Marcy, on the Rome, Watertown and Ogdensburg division of the said company's railroad, be and the same hereby is closed upon the records of this Commission, it appearing by a letter from Henry J. Potter, representing the petitioners, dated October 17, 1910, and received by this Commission October 17, 1910, that the cause of complaint has been removed by the arrangement to stop trains 60 and 63 on flag, to receive and discharge passengers at Marcy.

[Case No. 567]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint as to the condition of the freight and passenger station of the Erie Railroad Company at South Dayton, Cattaraugus county.

Ordered: That the matter of the complaint as to the condition of the freight and passenger station of the Erie Railroad Company at South Dayton, Cattaraugus county, N. Y., be and the same hereby is closed upon the records of this Commission, the new station requested being practically completed so the complaint is satisfied.

[Case No. 1544]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of PERSONS USING THE FOREST GLEN (Ulster county) STATION on the Wallkill Valley railroad (leased to and operated by The New York Central and Hudson River Railroad Company) *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to passenger train service.

After due deliberation it is

Ordered: That the matter of the complaint of persons using the Forest Glen (Ulster county) station on the Wallkill Valley railroad (leased to and operated by The New York Central and Hudson River Railroad Company) against The New York Central and Hudson River Railroad Company as to passenger train service be and the same hereby is closed upon the records of this Commission, the respondent having at the hearing held in this matter on the 13th day of October, 1910, withdrawn its objection to continuing the train which was directed and required to be run by order of this Commission entered on the 28th day of April, 1910.

[Case No. 1331]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE UNINCORPORATED VILLAGE OF GANSEVOORT, Saratoga county, N. Y., and vicinity *against* THE DELAWARE AND HUDSON COMPANY, asking that passenger train No. 6, southbound, stop at Gansevoort station.

Whereas, The complaint in this case asked for an order directing The Delaware and Hudson Company to stop train No. 6 passing through Gansevoort at 5:10 p. m.; and

Whereas, It now appears from the fall time-tables of the said company that service is given as requested in said petition; now therefore it is

Ordered: That said case be and hereby is closed upon the records of this Commission.

[Case No. 1453]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF LANGDON, Broome county, N. Y., *against* ERIE RAILROAD COMPANY.

The complainants in this action having filed a complaint with this Commission stating that there were no conveniences for either passenger, freight, or express at Langdon, and after said complaint was filed the railroad company having installed a shelter at said place; and the said complainants having also desired that there should be facilities for handling freight and passengers at said station and that the said station should be kept open, heated, and lighted; now therefore it is

Ordered: That the Erie Railroad Company be and it is hereby directed to make said station at Langdon, Broome county, N. Y., a prepaid freight and express station; that it be and hereby is required to provide said shelter now erected at said place with suitable seating facilities, and with heat and lights and proper janitor service.

[Case No. 1599]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the LEHIGH AND HUDSON RIVER RAILWAY COMPANY for permission to discontinue its station at Hamptonburgh, N. Y., pursuant to section 54 of the Railroad Law.

An application having been made by the Lehigh and Hudson River Railway Company for permission to discontinue its station at Hamptonburgh, N. Y., and a public hearing having been had upon said application, and it appearing that the residents of Hamptonburgh and the near vicinity are opposed to said discontinuance; and it further appearing from the evidence that this station has been in existence since the road was constructed, and that there is a demand for the continuance of said station as a stopping place for receiving and discharging passengers and freight; now therefore it is

Ordered: That the application of the Lehigh and Hudson River Railway Company be and the same is hereby denied.

[Case No. 1902]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF GANSEVOORT, Saratoga county, *against* THE DELAWARE AND HUDSON COMPANY, asking that trains Nos. 71 and 86 (passenger) be operated as heretofore.

Twenty-eight residents of Gansevoort, an unincorporated village of Saratoga county containing about 170 inhabitants, and which is the railroad station for a well populated farming district, having on September 26, 1910, filed with this Commission a complaint against The Delaware and Hudson Company, alleging that said company had discontinued between Saratoga Springs and Fort Edward the operation on its railroad of trains Nos. 71 (northbound) and 86 (southbound), which were passenger trains operated mornings and nights between Saratoga Springs and Glens Falls, stopping at Gansevoort and accommodating the residents of that section generally and particularly those working at points north of Gansevoort, to wit, Fort Edward, Hudson Falls, and Glens Falls; and asking this Commission to order said company to restore said trains between Saratoga Springs and Fort Edward; and the company having answered; and a public hearing on said complaint having been held by this Commission in the city of Albany on October 18, 1910, at which *A. E. Rice* appeared for complainants, and *L. E. Carr* and *John E. MacLean* appeared for said company; and it appearing from the

complaint, answer, other papers in the case, and evidence at the hearing that for from six to eight years prior to the second week in September last these trains had been operated between Saratoga Springs and Glens Falls, No. 71 then leaving Saratoga Springs at 6:05 a. m., arriving at Gansevoort at 6:20, Fort Edward 6:30, Hudson Falls (formerly Sandy Hill) 6:40, and arriving at Glens Falls at 6:55 a. m.; and No. 86 leaving Glens Falls at 6:15 p. m., arriving at Hudson Falls at 6:22, Fort Edward at 6:29, Gansevoort at 6:40, and arriving at Saratoga Springs at 6:55 p. m., thus as stated accommodating residents of Gansevoort desiring to reach Glens Falls and points between, and particularly five persons residing at Gansevoort and working in Glens Falls and Hudson Falls who commuted and used these trains daily except Sunday, and certain commercial travelers and others; and it also appearing that these trains are now operated from Fort Edward to Glens Falls and return, No. 71 now leaving Fort Edward at 6:32 a. m. and No. 86 now leaving Glens Falls at 6:05 p. m., these trains under different numbers also running at other hours of the day between Fort Edward and Glens Falls, which is a branch line, to accommodate travel from the main line; and it also appearing that to give the service asked for it is only necessary that No. 71 shall start from Saratoga Springs at 6:05 a. m. instead of from Fort Edward at 6:32 a. m., and that No. 86 shall reach Saratoga Springs at 6:55 p. m. instead of terminating at Fort Edward at 6:25 p. m.; and that the distance between Saratoga Springs and Fort Edward is 17 miles; and it also appearing that the additional cost of running these two trains the additional distance from Saratoga Springs to Fort Edward in the morning and from Fort Edward to Saratoga Springs at night would be $9.31, exclusive of maintenance of way and interest on investment; and it appearing that the earnings on these trains for the first eight months in 1910 increased 27 per cent over the same period in 1909, and that the earnings of said trains from Saratoga Springs to Glens Falls and return (no separate amount of the earnings between Saratoga Springs and Fort Edward and return having been kept) were at the rate of $0.283 per train-mile, which same rates would produce $9.63 daily on the train service so discontinued; and it being the judgment of this Commission from the evidence that it is just and the reasonable duty of this company that it shall operate the trains in question as hereinafter stated,

Ordered: That under section 51 of the Public Service Commissions Law, in order to accommodate passenger travel, The Delaware and Hudson Company is hereby directed to, beginning Monday, November 14, 1910, begin the run of its present train No. 71 (passenger) at Saratoga Springs instead of at Fort Edward, for one trip, and that said train for said trip shall leave Saratoga Springs at 6:05 a. m., according to a schedule which said company is hereby directed to institute; and said company is hereby directed to, beginning Monday, November 14, 1910, extend the run of its present train No. 86 (passenger) for one trip from Fort Edward to Saratoga Springs, and said train shall reach Saratoga Springs at 6.55 p. m., according to a schedule which said company is hereby directed to institute; and said company is hereby directed to stop said trains for passengers, on the runs hereby directed to be instituted, at Gansevoort station.

It is further Ordered: That this order shall take effect upon the service of a certified copy thereof upon said company.

It is further Ordered: That said company shall notify this Commission on or before November 10, 1910, whether the terms of this order are accepted and will be obeyed.

It is further Ordered: That this order shall continue in force and effect until November 14, 1912, unless sooner abrogated by this Commission.

It is not the intention of this order that the Nos. 71 and 86 must without discretion be used by said company to designate said trains, nor is it the intention of this order that if said company deems it advisable that the trains in question should leave Saratoga Springs and leave Glens Falls at times somewhat but not materially different from the times herein named, that it may not so fix the leaving times with the approval of this Commission.

[Case No. 1681]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of WILLIAM SCHERMERHORN AND OTHERS of St. Johnsville and other places *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to scheduled time of passenger train No. 72, eastbound, known as "Albany Accommodation."

A complaint having been filed with this Commission by William Schermerhorn and nine others, alleging that said complainants are working men residing in the villages of St. Johnsville, Fort Plain, Nelliston, and Canajoharie in the county of Montgomery, and employed in the city of Little Falls, N. Y., the village of St. Johnsville, N. Y., and elsewhere, and that said complainants are obliged to use train No. 72, known as the Albany Accommodation, in reaching their homes in the evening after their work; and asking that said train 72 leave Utica an hour earlier than its present schedule so as to accommodate said complainants; and a copy of said complaint having been served upon said railroad company, and said railroad company having appeared and answered in said case; and a public hearing having been had at the city of Albany, N. Y., on the 14th day of September, 1910; and it appearing from the evidence in the case and the papers on file that for a great many years a local accommodation was scheduled to leave Utica at 5:10 p. m., but on account of the building of the electric street railway between the city of Utica and the city of Little Falls, for about four years last past the time of said train had been changed from 5:10 p. m. to 6:05 p. m.; and it appearing that said train 72 reaches Utica from the west at 4:50 p. m, and makes connection with the Empire State leaving Utica at 5:02 p. m., now remains in Utica one hour and ten minutes and leaves at 6 p. m., running through Herkimer at 6:36, Little Falls 6:51, St. Johnsville 7:12, Fort Plain 7:24, Palatine Bridge 7:33, Fonda 8:10, and Amsterdam 8:35 p. m.; and a record of passengers using said train 72 having been kept between September 19th and October 2nd (fourteen days in all), from which it appears that there are a large number of persons daily using said train from Herkimer and Little Falls to St. Johnsville, Amsterdam, and intermediate stations, and that said train is used by a number of working men who are greatly discommoded on account of the schedule of said train having been changed one hour; and that The New York Central and Hudson River Railroad Company does not at present run a train on the proper schedule to afford reasonable accommodations to said passenger traffic, and that the schedule of said train should be changed in order to reasonably accommodate such traffic; now therefore it is

Ordered: That pursuant to the provisions of section 51 of the Public Service Commissions Law, The New York Central and Hudson River Railroad Company be and it is hereby directed, commencing on Sunday, November 20th, to change the time of its passenger train No. 72 known as the Albany Accommodation, so that the same shall leave Utica at 5:10 p. m. instead of 6:05 p. m., said train to stop at the stations now accommodated by said passenger train service, and upon a schedule approximately the same as that upon which said train is now operated.

It is further Ordered: That it is not the intention of this order to require that said company should run said train upon its present train

number if other arrangements are desired by the railroad company, or upon the particular time ordered if within a few minutes of the schedule as ordered, any change however to be approved by this Commission.

It is further Ordered: That the said The New York Central and Hudson River Railroad Company be and it is hereby directed to notify this Commission on or before the 14th day of November, 1910, as to whether it will comply with the terms of this order.

It is further Ordered: That this order shall remain in effect for two years from the date hereof unless modified or abrogated by a further order of this Commission.

[Case No. 1343]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the matter of the Petition of the WAVERLY, SAYRE AND ATHENS TRACTION COMPANY under section 103 now section 184 of the Railroad Law for approval of a declaration of abandonment of a portion of its constructed route.

The Commission having examined the reports made by Waverly, Sayre and Athens Traction Company pursuant to the order of the Commission dated the 13th day of June, 1910, showing the number of passengers boarding cars on Chemung street and the number of passengers leaving cars on Chemung street for the period between the 20th day of June, 1910, and the 19th day of October, 1910; and it appearing to the Commission that the taking of the count and the making of reports according to the requirements of said order dated the 13th day of June, 1910, should be continued for a further period of three months, commencing Monday, the 14th day of November, 1910, for the purpose of indicating the Chemung Street line patronage during the fall and winter seasons, it is

Ordered: That commencing the 14th day of November, 1910, and continuing until the 14th day of February, 1911, the applicant, Waverly, Sayre and Athens Traction Company, shall procure and furnish to the Commission a true and full daily record respectively of all cash and ticket fares of every description collected from passengers boarding its cars on Chemung street in the village of Waverly, and of the number of such passengers, and a like record of the number of passengers leaving its cars on Chemung street in said village, the count thereof to be made at the times when such passengers are discharged from the cars; also the number of transfers issued from other parts of the applicant's system to passengers so leaving cars on Chemung street.

It is further Ordered: That such daily record, showing also the total number for each class of passengers, shall be made by the conductor of each car operated on Chemung street and turned in to the applicant at the end of his run each day; and once in each week the record so made by each conductor, together with a summary thereof, and an affidavit under the title of this proceeding by each conductor showing that the said record is true and correct and has been truly and faithfully taken and made by him personally, shall be furnished to the Commission by the applicant and filed by the Secretary of the Commission in this proceeding.

It is further Ordered: That upon the coming in and filing of all said daily records transmitted as aforesaid, and covering the full period from the 14th day of November, 1910, and continuing until the 14th day of February, 1911, inclusive, this proceeding shall be considered as again submitted for determination by the Commission.

[Case No. 1681]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of WILLIAM SCHERMERHORN AND OTHERS of St. Johnsville and other places *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to schedule time of passenger train No. 72, eastbound, known as "Albany Accommodation."

This Commission having made an order on the 2d day of November, 1910, requiring The New York Central and Hudson River Railroad Company to restore train No. 72, eastbound, out of Utica, and requiring said train so installed to commence operations on November 20, 1910; and requiring the said railroad company to notify this Commission on or before November 14, 1910, as to whether it would comply with the terms of said order; and the said railroad company having notified the Commission that it would comply with the terms of said order, and having requested, on account of the rearrangement of its train schedules, that said order should not take effect until Sunday, November 27th; and it appearing to this Commission that said request is reasonable, now therefore it is

Ordered: That the order of this Commission made on the 2d day of November, 1910, be and the same is hereby modified and changed to read that said order shall take effect on Sunday, November 27, 1910, instead of November 20, 1910.

[Case No. 1851]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman.
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE.
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, pursuant to section 54 of the Railroad Law, for an order consenting to the discontinuance of the freight station at Brinker Place station, Rochester, N. Y.

Whereas, An application filed in the above entitled matter under section 54 of the Railroad Law, and the statement of D. M. Beach, attorney for the

applicant, made at a public hearing herein held in the city of Rochester on the 3rd day of November, 1910, show that there has been no freight agent at the Brinker Place station during recent years; that the freight which is sent to said station is now and for a long period of time has been billed to Kent Street, the main freight station of the applicant in the city of Rochester; and it appearing further in said statement of Mr. D. M. Beach that the discontinuance of the said station will not in any way inconvenience or injure shippers or receivers of freight over the road of the applicant; and

Whereas, No one appeared in opposition to the application herein; now therefore, after due deliberation, it is

Ordered: That the consent of this Commission be and it hereby is given to The New York Central and Hudson River Railroad Company to discontinue its present station known as Brinker Place station in the city of Rochester.

[Case No. 1976]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
Frank W. Stevens, Chairman,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Petition of the Glenfield and Western Railroad Company under section 85 of the Railroad Law for permission to cease the operation of its railroad from December 25, 1910, to April 30, 1911, both inclusive.

The Glenfield and Western Railroad Company having on November 12, 1910, filed with this Commission its petition, under section 85 of the Railroad Law, for permission to cease the operation of its railroad from December 25, 1910, to April 30, 1911, both inclusive; and it appearing that the facts are such that such permission should be given it is

Ordered: 1. That under section 85 of the Railroad Law permission be and it is hereby given to Glenfield and Western Railroad Company to cease the operation of its railroad from December 25, 1910, to April 30, 1911, both inclusive; that such operation shall be resumed May 1, 1911.

Ordered: 2. That a certified copy of this order shall be posted in all the depots and at the termini of such railroad, and published in every newspaper (if any) in each town in any part of which such road is constructed, at least four weeks prior to the date of such suspension of operation.

[Case No. 1375]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE VILLAGE OF DEXTER *against* DEXTER AND NORTHERN RAILROAD COMPANY and BLACK RIVER TRACTION COMPANY.

Ordered: That the above case be and hereby is closed upon the books of this Commission, it appearing by letter of Charles A. Phelps, one of the attorneys for the complainants, dated October 19, 1910, that so far as he is concerned the matter can be closed upon the records of the Commission.

[Case No. 1678]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the BOARD OF TRADE OF THE VILLAGE OF GOWANDA *against* ERIE RAILROAD COMPANY.

In this case, after complaint and answer thereto and after hearing upon such complaint, and upon all the proceedings, evidence, and admissions of the respondent company, and after very many personal inspections by one of the commissioners of the passenger station of the respondent, Erie Railroad Company, at Gowanda, New York, the Commission finds as a fact that the said station is wholly inadequate for the convenience and accommodation of the public, and by reason of its small size, age, and construction can not be reasonably changed or altered so as to make it adequate and convenient for public use; and also that the track or siding now maintained by the respondent upon the northerly side of said station is so placed as to be a source and occasion of inconvenience and danger to the public; therefore it is

Ordered: 1. That the Erie Railroad Company be and it hereby is ordered and directed to remove the building now used by it as a passenger and freight station at Gowanda, New York, and to erect upon substantially the present site of said building a new passenger station.

Ordered: 2. That said work of removal and construction shall commence as soon as the weather shall reasonably permit of such operation in the spring of the year 1911, and that said new passenger station shall be completed and ready for the use of the public on or before the 1st day of August, 1911.

Ordered: 3. That before the 1st day of August, 1911, the said Erie Railroad Company shall remove the track or siding now maintained by it on the northerly side of said station, and shall not thereafter have, keep, or maintain any railroad track or tracks on the northerly side of its new station at said point, to the end that the public may freely enter and leave said station without crossing any track, and that vehicles of all kinds may freely reach the platform without crossing any track.

Ordered: 4. That the said new station shall be of the following general dimensions and character: length approximately 72 feet; width 26 feet, external measurement; two waiting rooms, one baggage room, one agent's or ticket office; two toilet rooms with water closets: one for women and one for men. Waiting rooms shall have an open connecting space of at least 6 feet in width; waiting rooms shall extend the width of the building, and the men's waiting room shall be placed next the baggage room and have an approximate width of 18 feet, and the women's waiting room shall be placed at the easterly end of the building and have an approximate width of 24 feet. The platforms shall be constructed of concrete, and be of substantially the dimensions shown upon the plan for said station submitted by said company, dated 7–29–10.

Ordered: 5. That said Erie Railroad Company shall submit drawings for the said station to this Commission for its approval before January 1, 1911. That in making said drawings the dimensions above given when stated to be approximate need not be followed precisely, provided that there be shown in the men's waiting room substantially 450 square feet of floor space and in the women's waiting room substantially 650 square feet of floor space, exclusive of the open connecting space.

Ordered: 6 That this order shall take effect upon the service of a certified copy thereof upon said Erie Railroad Company, and shall continue in force until fully observed, carried out, and obeyed.

Ordered: 7. That said Erie Railroad Company shall notify this Commission on or before the 17th day of December, 1910, whether the terms of this order are accepted and will be obeyed.

[Case No. 1616]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James F. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of Theresa Board of Trade *against* The New York Central and Hudson River Railroad Company as to Rivergate passenger station.

A complaint having been filed by the Theresa Board of Trade asking for an order requiring The New York Central and Hudson River Railroad Company to provide access to its Rivergate passenger station; and a hearing having been had upon said complaint; and it appearing to the Commission that the only relief which could be granted would be in the nature of requiring the railroad company to construct a new station at a different place from the one now occupied by it, and that this would seriously interfere with the operation of its railroad, and that sufficient business at said

new station would not be brought to the railroad to justify the expense; now therefore it is

Ordered: That the complaint be and hereby is dismissed.

[Case No. 847]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of J. KIRTLAND MIDDLETON *against* NEW YORK STATE RAILWAYS as to discontinuance of a passenger and freight station at West Webster, Monroe county, N. Y.

Whereas, This Commission did on the 13th day of June, 1910, enter an order herein directing and requiring the New York State Railways to provide at West Webster upon the line of its road a suitable building for the above mentioned purpose and the service of one man in and about said station, to be provided at a cost to the said New York State Railways of not to exceed $30 per month; and

Whereas, It appears that a suitable room and the services of one person can not be obtained for the sum of $30 per month: and it being the opinion of this Commission that the respondent company should not be asked to pay more than that amount for a room and the services of an attendant,

Ordered: That the case be and hereby is closed upon the records of this Commission, without prejudice to the complainants herein to reopen the same at such time as they are able to obtain the accommodations and services for the sum of $30 per month as hereinbefore set forth.

[Case No. 1966]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF GREENFIELD, Saratoga county, *against* THE DELAWARE AND HUDSON COMPANY, asking that a new inclosed passenger station be constructed at Greenfield, a flag station on the Adirondack branch of said company's railroad about five miles from Saratoga Springs.

Ordered: That the matter of the complaint of residents of the town of Greenfield, Saratoga county, against The Delaware and Hudson Company,

asking that a new inclosed passenger station be constructed at Greenfield, a flag station of the Adirondack branch of said company's railroad about five miles from Saratoga Springs, be and the same is hereby closed upon the records of this Commission, it appearing by a letter from Mr. Truman Middlebrook, the representative of the complainants, dated and received by this Commission December 2, 1910, that the proposal of the respondent to erect immediately a new inclosed structure as a station building at Greenfield meets with the approval of the complainants.

[Case No. 1978]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of Residents of Yonkers *against* Receiver of the Yonkers Railroad Company, asking that a waiting room be maintained at the terminal of the McLean Avenue and Yonkers Avenue lines of the Yonkers railroad in Mt. Vernon.

Ordered: That the matter of the complaint of residents of Yonkers against receiver of the Yonkers Railroad Company, asking that a waiting room be maintained at the terminal of the McLean Avenue and Yonkers Avenue lines of the Yonkers railroad in Mount Vernon, be and the same hereby is closed upon the records of this Commission, it appearing by a letter from Raymond Duguet, representing complainants, dated December 9, 1910, received by this Commission December 10, 1910, that the matter of the complaint has been satisfactorily adjusted by the establishment of a suitable waiting room.

[Case No. 787]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of H. H. Glosser and Others *against* International Railway Company as to service rendered the public on Cazenovia, Abbott Road, and South Park lines, Buffalo.

Ordered: That the matter of the complaint of H. H. Glosser and others against the International Railway Company as to service rendered the public on Cazenovia, Abbott Road, and South Park lines, Buffalo, be and the same is hereby closed upon the records of this Commission, it appearing by a

letter from Mr. Porter Norton dated July 27, 1910, that the respondent will continue the present service on the Cazenovia line until further application to this Commission.

[Case No. 1688]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWNS OF HUNTER, JEWETT, LEXINGTON, AND WINDHAM, Greene county, *against* THE ULSTER AND DELAWARE RAILROAD COMPANY as to the condition of said company's passenger station at Hunter.

Ordered: That the matter of the complaint of residents of the towns of Hunter, Jewett, Lexington, and Windham against The Ulster and Delaware Railroad Company as to the condition of said company's passenger station at Hunter, be and the same hereby is closed upon the records of this Commission, without prejudice to the complainants to reopen the case upon the failure of the parties to come to a satisfactory arrangement, it appearing by a letter from John H. Burtis, attorney for the complainants, dated December 14, 1910, and received by this Commission December 15, 1910, that upon such a condition the complainants desire the case closed.

[Case No. 1875]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District. held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of C. M. SCHUYLER of Randall, Montgomery county, the SMITH CONTRACTING COMPANY, and other RESIDENTS OF RANDALL AND YOSTS *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, asking that additional passenger trains be stopped at Yosts on the main line and at Randall on the West Shore railroad (lessor), and that an agent be employed at Yosts.

Ordered: That the matter of the complaint of C. M. Schuyler of Randall, Montgomery county, New York, the Smith Contracting Company, and other residents of Randall and Yosts against The New York Central and Hudson River Railroad Company, asking that additional trains be stopped at Yosts on the main line and at Randall on the West Shore railroad, and that an agent be employed at Yosts, be and the same hereby is closed upon the records of

this Commission, letters having been written to Mr. C. M. Schuyler, postmaster at Randall, N. Y., as representing the complainants, requesting him to advise the Commission whether or not the complainants desired the matter to be advanced to a public hearing in view of the answer which has been served by the respondent, and no reply having been received to any of these communications.

[Case No. 1949]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of delays in the operation of train No. 6 on the Chatham division of the Rutland railroad.

Ordered: That the matter of delays in the operation of train No. 6 on the Chatham division of the Rutland railroad be and the same hereby is closed upon the records of this Commission, it appearing by the letter from Howard M. Gillet of Lebanon Springs, N. Y., representing the complainants, dated November 22, 1910, received by this Commission November 23, 1910, that the train in question has been affording better service, and that he hopes the new arrangement will satisfactorily dispose of the complaint.

[Case No. 2010]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
Commissioners.

In the matter of the Petition of the Lehigh Valley Railroad Company under section 54 of the Railroad Law for consent to discontinue a siding at Industry, Monroe county.

After due deliberation it is

Ordered: That the consent of this Commission be and it hereby is given to the Lehigh Valley Railroad Company, pursuant to section 54 of the Railroad Law, to discontinue its siding at Industry, N. Y., which was constructed for the receipt and delivery of freight at the State Agricultural and Industrial School at Industry, it appearing by a letter from Franklin H. Briggs, superintendent of the State Agricultural and Industrial School at Industry, that he has no objections to the granting of the application herein made by the Lehigh Valley Railroad Company for a formal discontinuance of the siding in question; and it further appearing by the petition herein that the Erie Railroad Company has established an agency at that point for the convenience of shippers of freight, with the result that no freight has been received or delivered at the siding of the Lehigh Valley Railroad Company for more than six months last past.

APPENDIX G

In the Matter of Crossings of Railroads with Streets, Avenues, Highways, and Other Railroads.

APPENDIX G

[Case No. 660]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF SALEM, Washington county, *against* THE DELAWARE AND HUDSON COMPANY, asking that a flagman be maintained at the crossing at grade of Main street by the railroad operated by said company in the hamlet of Shushan.

Whereas, H. V. Bump and other residents of the town of Salem have filed their petition with this Commission asking for flag protection at the crossing of Main street in the hamlet of Shushan; and

Whereas, Hearings on the said petition were had on March 3 and March 15, 1909; and

Whereas, Since the hearing the respondent has removed from its right of way in the hamlet of Shushan the obstructions existing at the time of the filing of the petition, on the west side of the track north of the said highway, so as to give a free and unobstructed view of the track at that point: and

Whereas, The respondent has also issued instructions that freight cars shall not be placed, except necessarily, so as to obstruct the view on the east side of its right of way adjoining the building of M. H. Stevens standing thereon; and

Whereas, The complainant, H. V. Bump, who represented the petitioners upon the hearing, has filed with the Commission a letter under date of December 6, 1909, stating that the removal of the obstructions above named is satisfactory to him and withdrawing his complaint before the Commission: now therefore it is

Ordered: That the case be and hereby is closed on the records of the Commission, on the ground that the conditions complained of have been adjusted by the respondent to the satisfaction of complainants and of the Commission.

[Case No. 667]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of the BOARD OF TRUSTEES OF THE VILLAGE OF PORT BYRON *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, lessee West Shore railroad, as to the Main street and Old Plant grade crossings of said railroad in said village.

After due deliberation it is

Ordered: That the matter of the complaint of the Board of Trustees of the Village of Port Byron against The New York Central and Hudson River Railroad Company relative to the Main street and Old Plant grade crossings with said railroad be and hereby is closed upon the records of this Commission, in accordance with letter of the president of said Village dated January 25, 1910, with the privilege of reopening the case at any time.

[Case No. 1049]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Application of the UTICA AND MOHAWK VALLEY RAILWAY COMPANY for permission to build double tracks across the tracks of the West Shore Railroad Company on Mohawk street in the city of Utica, N. Y.

After due deliberation it is

Ordered: That the agreement made between The New York Central and Hudson River Railroad Company and the Utica and Mohawk Valley Railway Company on the 22nd day of January, 1910, and submitted to this Commission with a letter from Albert H. Harris, general counsel, New York Central Lines, dated January 27, 1910, be and is hereby approved.

[Case No. 1073]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

In the matter of the Petition of the Central New England Railway Company under section 62 of the Railroad Law for approval of proposed alteration in manner of crossing two highways in the town of LaGrange, Dutchess county, known as the Freedom Plains road and the Pleasant Valley road.

Whereas, The Central New England Railway Company has made petition to this Commission under section 62 of the Railroad Law for approval of proposed alteration in manner of crossing two highways in the town of LaGrange, Dutchess county, the highways being known as the Freedom Plains road and the Pleasant Valley road and intersecting at the proposed point of crossing which is at Manchester bridge; and

Whereas, At hearings in this matter held at Albany, August 30 and October 20, 1909, the Town of LaGrange appeared by *Charles A. Hopkins* and *Supervisor Barmore*, Mr. Hopkins stating for the Town of LaGrange that there is no objection as to the manner and method of crossing proposed, provided the railway company will stipulate to bear the entire expense; and

Whereas, An examination has been made by a member of this Commission of the proposed method of crossing in this locality; and

Whereas, It is the judgment of this Commission, after said hearing and examination, that the proposed alteration in the manner of crossing presented by aforesaid petition is satisfactory, and in the interest of safety; and

Whereas, The Central New England Railway Company, by its attorney *Charles M. Sheafe, jr.*, in letter of November 26, 1909, has stipulated as follows: "This company hereby stipulates pursuant to order of the Commission whereby approval would be given on such stipulation, that it will, at its own expense, complete the proposed elimination of grade crossing at Manchester bridge, without attempting to charge a proportionate expense thereof upon either the Town or the State, but without affecting in any manner, and this stipulation is upon the express condition that it shall not affect in any manner, the obligation of the Town or of any other municipality hereafter, to bear its legal proportion of the expense of maintaining such crossing or bridge"; be it

Ordered: That this Commission determines, under section 62 of the Railroad Law, that the highway grade crossings at Freedom Plains road and the Pleasant Valley road at Manchester bridge in the town of LaGrange, Dutchess county, shall both be eliminated by an undercrossing to be constructed, so far as the grades of the approaches are concerned, as shown on plan of Central New England Railway Company entitled "Proposed elimination of grade crossings, Manchester bridge, town of LaGrange, N. Y.," dated August 1, 1909, and filed as applicant's exhibit number one at the hearing in this matter October 20, 1909; and so far as the structure is concerned as shown on plan of Central New England Railway Company entitled "Hopewell branch proposed reinforced concrete bridge over Wappingers Creek, Manchester bridge, N. Y." dated October, 1909, and filed as applicant's exhibit number two at the hearing in this matter October 20, 1909, said drawing, exhibit number two, showing spans giving a clear width for each

of the highways of 25 feet 2 inches and a clear headroom of 13 feet for a width of not less than 14 feet.

It is further Ordered: That the entire expense of such elimination shall be borne by the Central New England Railway Company.

[Cases Nos. 132, 1482]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ROCHESTER RAILWAY COMPANY (now New York State Railways) under section 68 of the Railroad Law for a determination as to how its double track electric railroad shall cross the Charlotte branch of The New York Central and Hudson River Railroad Company on Lyell avenue in the city of Rochester, and as to proportion of expense of the crossing; and

In the matter of the Complaint of the CITY OF ROCHESTER *against* NEW YORK STATE RAILWAYS as to failure to construct and protect said crossing.

Whereas, The Rochester Railway Company did on the 26th day of November, 1907, file with this Commission its petition praying, pursuant to section 68 of the Railroad Law, that this Commission should determine, pursuant to said section, the manner in which the said Rochester Railway Company should construct its tracks over the tracks of the New York Central and Hudson River railroad at the intersection of said tracks of said railroad company with Lyell avenue in the city of Rochester, and asking that this Commission determine that said crossing of the tracks of the applicant with the tracks of the New York Central and Hudson River railroad should be at grade; and also asking that the proportion of the expense thereof should be borne by each railroad according to the terms of a certain agreement between the two companies annexed to the said application; and

Whereas, The New York Central and Hudson River Railroad Company did join in the said petition by an indorsement thereon in the words following: "The New York Central and Hudson River Railroad Company, the corporation named and described in the foregoing petition of the Rochester Railway Company, hereby indorses the foregoing petition and consents that the prayer of said petition be granted"; and

Whereas, Annexed to the said petition and made a part thereof was a copy of an agreement between the said Rochester Railway Company and the said The New York Central and Hudson River Railroad Company dated the 30th day of June, 1907, in and by which agreement it was provided that the said Rochester Railway Company should construct its tracks along Lyell avenue across the tracks of The New York Central and Hudson River Railroad Company, crossing the said Lyell avenue in the city of Rochester at grade: and

Whereas, Such agreement provided in great detail as to the terms of maintenance of said crossing and of the operation thereof after the crossing was made; and

Whereas, The said Rochester Railway Company has since the making of said application been consolidated, pursuant to law, and with the authori-

zation of this Commission, with other railroad companies into a railroad corporation known as New York State Railways, which said corporation New York State Railways is now operating the properties owned by the Rochester Railway Company at the time of filing of said petition, and especially the tracks in Lyell avenue in the city of Rochester; and

Whereas, This Commission has had various hearings upon the said application of the Rochester Railway Company, now the New York State Railways, at which hearings it has been attended by the said company and by The New York Central and Hudson River Railroad Company, by their duly authorized representatives and attorneys; and

Whereas, The City of Rochester, pursuant to resolution and direction of its common council, did, on the 22nd day of December, 1909, file with this Commission a complaint against the said New York State Railways for failure to construct its tracks in Lyell avenue across the tracks of the New York Central and Hudson River railroad at grade, and to protect the same in accordance with plans approved by this Commission on the 23rd day of August, 1909; and

Whereas, The said complaint of the City of Rochester prayed that an order might be made by this Commission, pursuant to its authority under the Public Service Commissions Law and the Railroad Law, requiring said Rochester Railway Company to construct a grade crossing in and along said Lyell avenue over the tracks of the New York Central and Hudson River railroad; and

Whereas, Said complaint was, pursuant to an order of this Commission, duly served upon the said New York State Railways, and a hearing upon said complaint and the answer was appointed by this Commission to be held at the Chamber of Commerce in the city of Rochester on Friday, January 28, 1910, at 10 o'clock in the forenoon; and

Whereas, At said time and place appointed for said hearing a hearing was duly had, at which hearing the City of Rochester appeared by its mayor and common council, the said New York State Railways appeared by its attorney, and The New York Central and Hudson River Railroad Company appeared by its attorneys, *Harris, Havens, Beach and Harris, Mr. Daniel M. Beach*, a member of said firm, appearing for both of said corporations; and

Whereas, At said hearing the said New York State Railways was required to show cause why this Commission should not make an order that it proceed to make a grade crossing in said Lyell avenue over the tracks of the New York Central and Hudson River railroad; and

Whereas, It appears by proof taken by this Commission at numerous hearings had upon the petition of the said Rochester Railway Company, that the tracks of the Rochester Railway Company extend along Lyell avenue in the city of Rochester upon both sides of the tracks of the New York Central and Hudson River railroad which cross the said Lyell avenue, that there is a very considerable traffic upon the said street railroad tracks, both upon the cars of the New York State Railways and upon the cars of the Buffalo, Lockport and Rochester Railway Company which run upon the tracks of the said New York State Railways to one side of said crossing but not upon the other side thereof; and

Whereas, It appears from said evidence and also from a personal inspection by members of this Commission that the said crossing as it now exists is dangerous and inconvenient to a large degree, owing to the transfer of passengers in large crowds from the street cars upon one side of the steam railroad tracks to the street cars upon the other side of said railroad tracks; and

Whereas, The Commission finds as a fact that the safety of the public can be enhanced by carrying said passengers over the tracks of the New York Central and Hudson River railroad at said point in cars, without transferring, and that the dangers of said crossing would be reduced provided such

transfer of passengers in cars should be conducted under proper operations, although at grade; and

Whereas, It appears that both the New York State Railways and The New York Central and Hudson River Railroad Company have agreed to such grade crossing and have entered into a contract therefor, the agreement therefor and consent thereto being on file with this Commission as aforesaid; and

Whereas, At the hearing at Rochester aforesaid on the 28th day of January, 1910, the attorney for the New York State Railways did on behalf of his company state as follows: "If your Honors please, perhaps I omitted to say this, which I should have said, that the New York State Railways is not objecting to laying those tracks and continuing the line along Lyell avenue. I want that understood. The street railway company is not objecting to laying the tracks as your Honors may find to be proper and safe to do"; and

Whereas, This Commission finds as a fact, after consideration of all of the evidence taken in the proceedings above named, and after its personal inspection of the crossing in question, that the security and convenience of the public requires that the tracks of the New York State Railways in Lyell avenue in the city of Rochester be carried over and across the tracks of the New York Central and Hudson River railroad crossing said Lyell avenue, at grade, in order to secure adequate service and facilities for the transportation of passengers, freight, and property along the tracks of the said New York State Railways in Lyell avenue in the said city of Rochester; now therefore it is

Ordered: 1. That pursuant to section 68 of the Railroad Law this Commission does hereby determine that the tracks of the New York State Railways, a street surface railroad, shall be constructed across the tracks of the New York Central and Hudson River railroad, a steam railroad, in Lyell avenue in the city of Rochester, at the grade of the said New York Central and Hudson River railroad.

Ordered: 2. That the expense of said crossing shall be paid by the said New York State Railways, the said Rochester Railway Company and the said The New York Central and Hudson River Railroad Company having by its said agreement hereinbefore recited, provided and agreed that said expense should be wholly borne by said surface railway company.

Ordered: 3. That the said New York State Railways be and it is hereby ordered and directed to construct and continue its tracks across the tracks of the New York Central and Hudson River railroad in said Lyell avenue at grade, in such manner that cars upon the tracks of the said New York State Railways may operate freely over said crossing.

Ordered: 4. That in case said The New York Central and Hudson River Railroad Company shall not unite with the said New York State Railways in making the necessary intersection and grant the requisite facilities for intersection, that the New York State Railways be and it is hereby ordered to proceed under section 12 of the Railroad Law, to procure all rights, consents, and authorizations which are required by that section, if any, before the said crossing be made.

Ordered: 5. That the said New York State Railways on or before the 1st of March, 1910, submit to this Commission for its approval plans for said crossing, which plans shall include a derail device of approved standard form which shall require the conductor of a street railroad car to pass over the tracks of the steam railroad and place the derail in proper position before any street car can pass over the crossing.

Ordered: 6. That this order shall take effect at once, and the New York State Railways is hereby directed and required to submit such plans to this Commission for approval before the 1st day of March, 1910, and said New York State Railways is hereby directed and required to install the said crossing within thirty days after the said plans shall have been

approved, provided The New York Central and Hudson River Railroad Company shall join with the said New York State Railways in making such intersection and crossing; and in case it shall refuse to join in making such intersection and crossing, the said New York State Railways shall forthwith upon such refusal apply to the Supreme Court, pursuant to section 12 of the Railroad Law, for whatever order and relief, if any, may be required under that section prior to the making of such crossing.

[Case No. 102]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of February, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Petition of The New York Central and Hudson River Railroad Company under section 62 of the Railroad Law as to the elimination of grade crossings of its railroad in the village of Ossining.

An application having been made by The New York Central and Hudson River Railroad Company for a modification of the order in this proceeding entered by the Commission June 17, 1909, and the plans accompanying said order and approved by said Commission; and notice having been given for a public hearing on said application February 14, 1910, at the rooms of said Commission in the city of Albany; and there having been filed with said Commission proof by affidavit of service of said notice of hearing upon all the interested parties, and also proof by publication in the Ossining *Citizen* newspaper and the Ossining *Sentinel* newspaper; and the Commission having heard the parties appearing at said hearing February 14, 1910; it is

Ordered: That the said order and the plan accompanying same which was adopted by said Commission June 17, 1909, particularly that portion thereof relating to the westerly approach from the south to the overhead crossing at Broadway, be and hereby is modified in the following particulars:

From the said overhead crossing at Broadway shall descend southerly on an 8 per cent grade for a distance of 238 feet to the level of the new street westerly of and parallel to the railroad. This westerly approach of the overgrade crossing to a point about opposite station 1645+50 shall be built of steel of a width of 30 feet and have a solid floor paved with brick, said approach to have a roadway of 26 feet and a concrete sidewalk of a width of 4 feet on the easterly side thereof. The remainder of said approach to the overgrade crossing at Broadway extending from about opposite station 1645+50 south to the level of the new street laid out parallel to tracks shall be constructed on a solid earth fill between masonry retaining walls. The roadway thereof of a width of 26 feet shall be paved with Belgian block laid on sand, and the sidewalk on the easterly side thereof of a width of 4 feet shall be of concrete. There shall be constructed from the foot of this approach and immediately west thereof and northerly to the lands of the Northern Westchester Lighting Company a roadway of the width of 16 feet for a distance of 165 feet to an angle in said roadway where the same is deflected easterly and underneath the approach to the overhead bridge. Retaining walls shall be built on the westerly side of said roadway where necessary to uphold said roadway leading to the property of the Northern Westchester Lighting Company or to uphold the said approach to the over-

head crossing at Broadway. The grade of the approach to the Northern Westchester Lighting Company's property beginning at the southerly end shall descend northerly at a rate of 0.6 per cent for a distance of about 165 feet to elevation 4, thence level to the property of the Northern Westchester Lighting Company under the approach to the overhead crossing. Said approach or roadway to the property of the Northern Westchester Lighting Company to be paved with macadam.

Such modifications are shown upon plan filed with this Commission designated "Exhibit P," being a map on a scale of 50 feet to 1 inch, and "Exhibit Y," being a map to a scale of 20 feet to 1 inch.

[Case No. 948]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the TOWN BOARD OF THE TOWN OF HAMBURG, Erie county, *against* THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY and THE PENNSYLVANIA RAILROAD COMPANY as to highway grade crossing of said railroads at Lakeview, the crossing being known as the Lakeview crossing.

The Town Board of Hamburg having filed its petition herein asking that The New York, Chicago and St. Louis Railroad Company and The Pennsylvania Railroad Company be required to place and maintain a flagman at the Lakeview crossing on the lines of said railroad companies in the said town of Hamburg; and a hearing herein having been had at Buffalo, N. Y., on the 5th day of November, 1909, and a personal inspection of said crossing having been made by a member of this Commission; it is

Ordered: 1. That The New York, Chicago and St. Louis Railroad Company and The Pennsylvania Railroad Company be and they hereby are required to place and maintain at the grade crossing of the respective railway lines of said companies in the town of Hamburg known as the Lakeview crossing of the Creek road, a flagman who shall be on duty from 6:30 a. m. until 7 p. m. every day in the year, and that the expense of the maintenance of said flagman be paid by said railroad companies jointly, share and share alike, unless by private agreement they shall determine upon a different proportion of said expense to each which shall be satisfactory to them.

Ordered: 2. That said flagman shall be installed at said crossing on or before the 15th day of March, 1910.

Ordered: 3. That on or before Tuesday, March 8, 1910, The New York, Chicago and St. Louis Railroad Company for itself, and The Pennsylvania Railroad Company for itself, shall notify this Commission whether the terms of this order are accepted and will be obeyed by said The New York, Chicago and St. Louis Railroad Company and said The Pennsylvania Railroad Company.

[Case No. 1404]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Application of THE LEHIGH VALLEY RAIL WAY COMPANY, in the village of Seneca Falls, N. Y., for a determination under section 68 of the Railroad Law by the Public Service Commission, Second District, of the manner in which the Lehigh Valley railroad shall cross certain streets and the tracks therein of the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company (now Geneva and Auburn Railway Company) in the village of Seneca Falls.

Whereas, The board of trustees of the Village of Seneca Falls did on the 29th day of December, 1908, pass a resolution permitting The Lehigh Valley Rail Way Company to cross Bayard and Ovid streets in said village by a tunnel, and to pass over Seneca street in said village on a trestle, and to cross Latham and Troup streets in said village, if such streets exist at the point of crossing, at grade, a copy of which resolution is marked Exhibit B, and annexed to the petition herein; and

Whereas, The Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company (now Geneva and Auburn Railway Company), whose tracks now are located in Ovid and Bayard streets at the points where the railroad of The Lehigh Valley Rail Way Company is proposing to pass under said streets, has, by contract dated January 23, 1909, marked Exhibit A, and annexed to the petition herein consented to the construction of The Lehigh Valley Rail Way Company in the manner aforementioned under Bayard and Ovid streets; it is

Ordered: That the said resolution, passed by the board of trustees of the Village of Seneca Falls hereinbefore mentioned, and the contract between The Lehigh Valley Rail Way Company and the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company hereinbefore mentioned, be and hereby are approved, and that The Lehigh Valley Rail Way Company be and it hereby is permitted to construct its tracks in accordance with the terms and conditions of the said resolution and contract and in the manner hereinbefore described.

[Case No. 1315]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the RESIDENTS OF THE TOWN OF SHAWANGUNK, Ulster county, *against* CENTRAL NEW ENGLAND RAILWAY COMPANY, alleging bad condition of the crossing at grade of said railway and the highway known as the North Plank Road in said town.

After due deliberation it is

Ordered: That the matter of the complaint of the residents of the town of Shawangunk, Ulster county, against Central New England Railway Company, alleging bad condition of the crossing at grade of said railway and the highway known as the North Plank Road in said town be and hereby is closed upon the records of this Commission, it appearing by letter from Charles M. Sheafe, jr., attorney for Central New England Railway Company, dated February 17, 1910, and also by letter from James F. Loughran, county superintendent of highways of Ulster county, N. Y., that the crossing has been brought to a satisfactory grade and that the condition complained of has been remedied.

[Cases Nos. 132, 1482]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the petition of the ROCHESTER RAILWAY COMPANY (now New York State Railways) under section 68 of the Railroad Law for a determination as to how its double-track electric railroad shall cross the Charlotte branch of The New York Central and Hudson River Railroad Company on Lyell avenue in the city of Rochester, and as to proportion of expense of the crossing.

After due deliberation it is

Ordered: That the plans submitted by New York State Railways for the crossing of its tracks over the tracks of the Charlotte branch of the New York Central and Hudson River railroad in Lyell avenue in the city of Rochester, and filed March 1, 1910, which plans have been approved by the inspector of street railroads with slight modifications noted in report of the inspector dated March 9, 1910, be and the same are hereby approved with the following modification to wit, that the lead of the derail switch be

extended with a short section of grooved rail laid on a radius proper to direct the wheels of a car toward the sidewalk, and that a metal trough be placed over the trolley wire extending over the crossing.

[Case No. 1553]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of plan for interlocking proposed to be installed at the crossing of the Buffalo and Lockport branch of the New York Central and Hudson River railroad with the single track of the Erie railroad and the single track of the International Traction company.

After due deliberation it is

Ordered: That the plan submitted by The New York Central and Hudson River Railroad Company with a letter dated March 3rd from W. H. Elliott, signal engineer, showing the interlocking proposed to be installed at the crossing of the Buffalo and Lockport branch of the New York Central and Hudson River railroad with the single track of the Erie railroad and the single track of the International Traction company, the plan having been reported upon under date of March 8th by the engineer of grade crossings, be and is hereby approved by this Commission.

[Case No. 843]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of March, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of the Town Board and Highway Commissioner of the Town of Brant, Erie county, *against* The Lake Shore and Michigan Southern Railway Company as to undercrossing of said railway and highways leading thereto near Irving station.

After due deliberation it is

Ordered: That the matter of the complaint of the town board and highway commissioner of the Town of Brant, Erie county, against The Lake

Shore and Michigan Southern Railway Company as to undercrossing of said railway and highways leading thereto near Irving station be and hereby is closed upon the records of this Commission, Leroy Andrus, the attorney for the complainants, having failed to advise whether or not further action was required, after numerous requests made to him so to do.

[Case No. 1379]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the BOARD OF TRUSTEES OF THE VILLAGE OF WATERLOO *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, asking that crossing gates be erected, maintained, and operated at crossings of said railroad and streets in said village.

After due deliberation it is

Ordered: That the matter of the complaint of the board of trustees of the Village of Waterloo against The New York Central and Hudson River Railroad Company, asking that crossing gates be erected, maintained, and operated at crossings of said railroad and streets in said village, be and hereby is closed upon the records of this Commission, it appearing by letter from John Kropf, president of the Village of Waterloo, dated March 23, 1910, that the work upon said crossing gates has progressed to such an extent as to meet the approval of the complainants and to make the closing of the case satisfactory to all concerned.

[Case No. 1440]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ELIZABETHTOWN TERMINAL RAILROAD COMPANY under section 60 of the Railroad Law as to its railroad crossing highways.

The Elizabethtown Terminal Railroad Company having filed with this Commission a petition under section 60 of the Railroad Law for an order determining how its railroad proposed to be constructed between Elizabeth-

town and Westport, in the county of Essex, shall cross certain highways; and a public hearing after due notice having been held on said petition in the city of Albany on February 7, 1910, at which *F. B. Wickes* appeared for the petitioner and no one else appeared; and it appearing to the Commission from the evidence at said hearing that it would be impracticable for the railroad of said company to cross otherwise than at grade the highways hereinafter named; it is

Ordered: That this Commission hereby determines, under section 60 of the Railroad Law, that it would be impracticable for the railroad of the Elizabethtown Terminal Railroad Company to cross otherwise than at grade existing highways between Elizabethtown and Westport, in the county of Essex: 1, at a point known as the Parker crossing in the town of Elizabethtown; 2, at a point known as Brainard's Forge crossing in the town of Elizabethtown; 3, at a point known as the Ryan crossing in the town of Westport; 4, at a point known as the Wadhams crossing in the town of Westport.

[Case No. 1308]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of EPHRAIM M. KLINE as supervisor, and PHILIP PURCELL as town superintendent of highways of the Town of Kinderhook, *against* ALBANY SOUTHERN RAILROAD COMPANY relative to an alarm bell being installed at a highway grade crossing known as the Wilkins crossing in the town of Kinderhook.

After due deliberation it is

Ordered: That the matter of the complaint of Ephraim M. Kline as supervisor, and Philip Purcell as town superintendent of highways of the Town of Kinderhook, against Albany Southern Railroad Company relative to an alarm bell being installed at a highway grade crossing known as the Wilkins crossing in the town of Kinderhook, be and hereby is closed upon the records of this Commission, with leave on the part of complainants to reopen the case upon failure of successful operation pursuant to the terms of an understanding which has been entered into between the complainants and the respondent as set forth in a letter dated April 4, 1910, and received on the same date from Ephraim M. Kline.

[Case No. 1294]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the TOWN BOARD OF THE TOWN OF PORTAGE, Livingston county, *against* ERIE RAILROAD COMPANY as to the condition of the crossing at grade of said company's railroad and the Short Tract highway in said town about one mile westerly of Hunts Station, crossing being known as Lockwood crossing.

Whereas, The petitioners herein have asked the Commission that an order be made requiring the Erie Railroad Company to build and maintain an undercrossing carrying the Short Tract road under the tracks of the Erie Railroad Company at the intersection of said highway with the tracks of the Erie railroad in the town of Portage, or that said highway be restored to its original elevation, or that such further order be made as shall be in the best interests of the town of Portage; and a hearing herein having been held, and a personal inspection of said crossing having been made by the engineer of grade crossings of this Commission; and

Whereas, The respondent has since the beginning of this proceeding removed some of the causes of complaint herein existent at the time of filing the petition, but has not in the opinion of this Commission fully restored the said highway to the degree of usefulness which it had prior to the elevation of respondent's tracks at the point of their intersection with the highway, it is

Ordered: That the Erie Railroad Company is hereby directed, on or before the 30th day of May, 1910, to *first*, widen the approaches to the said crossing on each side of the tracks to a width of at least 22 feet between the railings, and to finish off in a proper and workmanlike manner the roadway between said railings so as to give an available width of roadway between said railings of 22 feet; *second*, to erect and maintain strong timber railings of the height of at least 4 feet on each side of the roadway approaches both north and south of the crossing wherever the embankment of said approaches is 5 feet or more in height from the natural surface of the ground immediately adjacent thereto; *third*, to construct the approaches to said crossing on each side of the track on grades which shall not be greater than 6 per cent and to put the said approaches in thorough and complete repair; *fourth*, to procure the renewal of two fruit trees standing in an adjacent field to the north of said crossing and one fruit tree in a field to the south thereof, and to trim the shade trees standing on each side of the highway to the north and south of said crossing to a point at least 300 feet in each direction from said crossing (measuring from the intersection of the highway and the tracks) in such a manner that the view from the highway toward the east and west on both sides of the crossing shall not be obstructed by the said trees.

[Case No. 1360]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of JAMES M. MURRAY AS SUPERVISOR OF THE TOWN OF FORT EDWARD, Washington county, *against* THE DELAWARE AND HUDSON COMPANY, praying that gates be erected and operated or a flagman stationed at the grade crossing by said company's railroad of Parry street in said town.

After due hearing and deliberation it is

Ordered: That the complaint of James M. Murray as supervisor of the Town of Fort Edward, Washington county, against The Delaware and Hudson Company, praying that gates be erected and operated or a flagman stationed at the grade crossing of said company's railroad at Parry street in said town, be and hereby is closed upon the records of this Commission, the respondent having advised the Commission at a hearing held April 5, 1910, that a flagman would be stationed at the above mentioned crossing in satisfaction of the complaint herein.

[Case No. 1264]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF YONKERS and of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined, under section 62 of the Railroad Law, as to crossings by streets and avenues of said company's railroad in said city at Pier and Fern Brook streets.

The Board of Railroad Commissioners of the State of New York having by an order bearing date September 11, 1906, made in the matter entitled "In the Matter of the Petition of the Mayor and Common Council of the City of Yonkers and The New York Central and Hudson River Railroad Company, joined, under section 62 of the Railroad Law, as to crossings by streets and avenues of said company's railroad in said city," ordered and determined among other things that the grade crossings of the New York Central and Hudson River railroad at Pier street and at Fern Brook street, in the first ward of the city of Yonkers, should be changed from grade, and that each of said streets should be carried over said railroad on an overhead

bridge to be constructed within the present lines of the street; and the said Railroad company and the said City of Yonkers having by petition bearing date the 13th day of September, 1909, petitioned this Commission for a modification of the plans adopted by said Board of Railroad Commissioners for the elimination of said grade crossings at Pier street and at Fern Brook street; and a public hearing having been had, pursuant to notice, at the Capitol in the city of Albany on October 7, 1909, the following parties having appeared: *Geo. H. Walker* for The New York Central and Hudson River Railroad Company, *John A. Lytle*, *James B. Ludlow*, and *Ludlow and Townsend* for certain property owners; and a further public hearing having been had at the Capitol, Albany, on April 18, 1910, pursuant to notice to the following: James B. Ludlow, 45 Cedar street, New York city; James B. Ludlow, Yonkers, N. Y.; George H. Walker, attorney N. Y. C. & H. R. R. R. Co., Grand Central Station, New York city; Henry J. Hayes, property owner, Yonkers, N. Y.; Yonkers City Ice Company, property owner, Yonkers, N. Y.; Pure Oil Company, property owner, Yonkers, N. Y.; Federal Sugar Refining Company, tenant of Ludlow Estate, Yonkers, N. Y.; Waring Hat Manufacturing Company, tenant of Ludlow Estate, Yonkers, N. Y.; Westchester Lighting Company, Yonkers, N. Y.; Deane Plaster Company, Yonkers, N. Y.; Charles Day, Yonkers, N. Y.; Estate of Michael Day, Yonkers, N. Y.; Daniel E. Seibel, as trustee, 41 Park Row, New York city; Hon. James T. Lennon, mayor, Yonkers, N. Y.; George A. Harwood, chief engineer Engineering department, Grand Central Station, New York city; F. A. Stratton, president Westchester Lighting Company, Mt. Vernon, N. Y.; E. J. Bellows, assistant secretary Westchester Lighting Company, First avenue and First street, Mount Vernon, N. Y.; Frank Deane, President Deane Plaster Company, Yonkers, N. Y.; Ludlow & Townsend, 45 Cedar street, New York city; Arthur Birkens, assistant corporation counsel, Yonkers, N. Y.; Corporation Counsel, Yonkers, N. Y.; E. A. Maddox, for Daniel E. Seibel, Yonkers, N. Y.; and *George H. Walker* having appeared at said hearing on April 18, 1910, for The New York Central and Hudson River Railroad Company; *James B. Ludlow* for himself and the Ludlow Estate; and *Thomas F. Curran*, assistant corporation counsel, for the City of Yonkers;

It is Ordered: That in the matter of the joint petition of the Mayor and Common Council of the City of Yonkers and of The New York Central and Hudson River Railroad Company, joined, under section 62 of the Railroad Law, as to crossings by streets and avenues of said company's railroad in said city, in so far as a certain order dated September 11, 1906, made by the Board of Railroad Commissioners relates to the elimination of the grade crossings at Pier street and at Fern Brook street, the said order be modified in the following particulars, and that the plans accompanying said order dated September 11, 1906, and duly adopted, be modified in like manner, in so far as the same affect Pier street and Fern Brook street, to wit:

1. Instead of constructing a crossing over the tracks within the lines of each of said two streets, that the said Pier street and the said Fern Brook street be and the same are hereby discontinued within the limits of the Railroad company's right of way.

2. That a new crossing be constructed over the tracks of the said railroad, in line with Ludlow street as it now exists east of Bridge street, as a private street 60 feet in width; and that said Ludlow street be extended west from said Bridge street across the said railroad tracks to a new street, marked on the plan hereinafter referred to as "West Cross street," which is a street extending from a point 40 feet northerly from the southerly line of Pier street (if extended) on the south, to a point 40 feet southerly from the northerly line of Fern Brook street (if extended) on the north, in accordance with a drawing dated November 13, 1909, revised February 15, 1910, submitted by The New York Central and Hudson River Railroad Company, and marked "Exhibit N".

The center line of the said bridge shall be at a point about station 762 + 11.78, as measured along the monumented center line of the New York Central and Hudson River railroad. It is to be constructed of steel and concrete, with a clearance of 16 feet above the top of high rail; its width,

including sidewalks, is to be 60 feet, of which width the roadway is to be 40 feet. It is to be paved with asphalt; and sidewalks, one on each side of said bridge, are to be 10 feet wide and are to be constructed of concrete.

The easterly approach to the said bridge is to commence at the center line of Hawthorne avenue; running thence westerly first on a level grade to the westerly line of Hawthorne avenue; thence on a descending grade of about 3.3 per cent to the easterly curb line of Bridge street; thence on a level grade to the westerly curb line of Bridge street; thence on an ascending grade of about 5.36 per cent to the easterly line of the bridge, which line is on the easterly line of the right of way of the said Railroad company; thence westerly on a level grade to the westerly line of the said bridge, which line is on the westerly line of the right of way of said Railroad company; thence westerly on a descending grade of about 5.20 per cent a distance of 332 + feet from said westerly right of way line, measured along the center line of Ludlow street, as extended, to the easterly line of the proposed new street designated "West Cross street," connecting Pier street and Fern Brook street, hereinafter described.

West of Bridge street, and between that street and the easterly line of the overhead bridge, the width of the said Ludlow street is to be 69 feet and 6 inches, with a roadway 40 feet wide, and a sidewalk 10 feet wide on the northerly side of the said roadway, and a sidewalk 19 feet and 6 inches wide on the southerly side of said roadway. The roadway is to be constructed of stone blocks laid on sand base. Four feet of the width of the sidewalk on the north side of the street is to be laid with flagging, and 8 feet of the width of the sidewalk on the south side of the street is to be laid with flagging.

A retaining wall of dry rubble stone is to be constructed along the southerly side of this part of the said street, and on the northerly side the street is to be retained by an earth slope.

West of the railroad right of way, for a distance of about forty feet west of the westerly line of the railroad, the said Ludlow street is to be constructed as a steel and concrete viaduct, and from the westerly end of the said viaduct to the easterly line of the aforesaid "West Cross street" the street is to be constructed of an earth fill, with retaining walls of dry rubble stone on each side of the street. West of the railroad the said Ludlow street is to be 60 feet in width, with roadway 40 feet wide of stone block paving laid on sand base, and sidewalks 10 feet wide on each side of the street. Four feet in width of each of these sidewalks is to be laid with stone flagging.

And James B. Ludlow, as only surviving executor of and trustee under the last will and testament of Thomas W. Ludlow, jr., deceased, having agreed to dedicate to the City of Yonkers, for street purposes only, the land required for that part of the said extension of Ludlow street which is between the westerly line of Hawthorne avenue and the easterly line of Bridge street, and also to grant such slope rights on lands now owned by him as such trustee, as may be necessary to support the roadway of the said Ludlow street to be constructed between the points above designated, and to permit the said slopes to remain until such time as lateral support for the street or any part of the same is otherwise provided for.

It is further Ordered: That as a part of this improvement the said Ludlow street between the easterly line of Bridge street and the westerly line of Hawthorne avenue is to be constructed to have a roadway 36 feet in width, which roadway is to be constructed of stone block paving laid on sand base, with sidewalks 12 feet wide on each side of the roadway, 4 feet of which width shall be laid with stone flagging.

A retaining wall of dry rubble stone is to be constructed on the northerly side of the said Ludlow street extension for a distance of about 200 feet easterly from the easterly line of Bridge street; and the wall is to be placed on or near the boundary line between the lands now of the estate of Thomas W. Ludlow, jr., deceased, and the property of the Deane Plaster Company. At other places the roadway shall be retained by earth slopes, as hereinafter specified.

Bridge street, a public street of the said city, east of the railroad line and extending from Pier street on the south to Fern Brook street on the north,

and being 60 feet in width, is to be changed in grade; and the following grades are hereby established for the said street: to wit, commencing at the northerly line of Pier street, running thence northerly, first on an ascending grade of about 2.9 per cent to the southerly line of Ludlow street, as hereinbefore described; thence level, across the said Ludlow street to the northerly line of Ludlow street; thence northerly on a descending grade of about 5.10 per cent to the southerly line of Fern Brook street. The said Bridge street is to have a roadway 40 feet in width, paved with stone block laid on sand base, with sidewalks 10 feet in width on each side of the roadway, 4 feet in width of which sidewalk is to be laid with flagging.

Retaining walls of dry rubble stone are to be constructed on the easterly side of Bridge street, extending southerly about 100 feet from the southerly line of Ludlow street aforesaid; and on the westerly side of the said Bridge street, extending southerly about 125 feet from the southerly line of Ludlow street aforesaid; also on the easterly side of Bridge street between the northerly line of Ludlow street aforesaid and the southerly line of Fern Brook street; and on the westerly side of Bridge street, in front of the property of the estate of Thomas W. Ludlow, jr., deceased, for a length of about 75 feet.

An earth slope is to be constructed along the westerly side of Bridge street, in front of the premises formerly owned by O. B. Waring, for a distance of about 55 feet northerly from the northerly line of Ludlow street aforesaid; and slopes are also to be constructed on the easterly side of Bridge street, extending northerly for a distance of about 90 feet from the northerly line of Pier street; also on the westerly side of Bridge street, extending northerly a distance of about 55 feet from the northerly line of Pier street. "West Cross street" shall be 50 feet in width, consisting of a roadway 40 feet wide of stone block pavement laid on sand base, and a single sidewalk 10 feet wide along the easterly side of the said roadway, 4 feet in width of which sidewalk is to be laid with flagging. The grade of said "West Cross street," commencing at a point 40 feet north of the southerly line of Pier street (if extended), is to be on an ascending grade of about 2.15 per cent to the southerly line of Ludlow street aforesaid; thence on a level grade across the said Ludlow street to the northerly line of the said street; thence on a descending grade of about 3.73 per cent to a point 40 feet south of the northerly line of Fern Brook street, if extended.

A slope of earth filling is to be constructed on the easterly side of "West Cross street," by permission of the owners, extending northerly a distance of about 130 feet from the northerly line of Pier street as that line is hereinafter established, and also extending southerly a distance of about 60 feet from the southerly line of Fern Brook street as that line is hereinafter established, and on the westerly side of the said street a slope of earth filling is to be constructed, by permission of the owners, extending southerly a distance of about 60 feet from the southerly line of Fern Brook street as that line is hereinafter established.

Retaining walls of dry rubble stone are to be constructed on the east side of the said "West Cross street," and also on the west side of the said street, excepting where slopes are to be constructed as hereinbefore provided.

Adequate approaches to the said "West Cross street" from the lands on the north and on the south of the same are also to be graded up as indicated on the plan hereinbefore referred to, at least to the width of the said street.

It is further Ordered: That the width of that portion of Pier street which is now a public street west of the railroad right of way shall be reduced from its present width of 60 feet to 40 feet; that the northerly 20 feet in width of that portion of the said street shall be abandoned and discontinued as a public street or highway, for all purposes; and that the strip of land twenty feet in width which forms the part of the street which is so discontinued shall be released by the City of Yonkers to the surviving trustee under the will of Thomas W. Ludlow, jr., deceased, or to the parties who may have succeeded to his title, as the event may be.

It is further Ordered: That the said Pier street shall be extended westerly 40 feet in width from the westerly end of the public street as it now is

to the westerly line of "West Cross street" aforesaid; that this westerly extension of the said Pier street be graded up to meet the grade of the said "West Cross street"; and also that adequate approaches thereto from the west and from the south be graded up in like manner, all as indicated on plan hereinbefore referred to.

It is further Ordered: That the width of that portion of Fern Brook street which is now a public street west of the railroad right of way shall be reduced from its present width of 50 feet to 40 feet; that the southerly 10 feet in width of that portion of the said street shall be abandoned and discontinued as a public street, for all purposes; and that the strip of land 10 feet in width which forms the part of the street which is to be discontinued shall be released by the City of Yonkers to the surviving trustee under the will of Thomas W. Ludlow, jr., deceased, or to the parties who may succeed to his title, as the event may be.

It is further Ordered: That the said Fern Brook street shall be extended westerly 40 feet in width from the westerly end of the public street as it now is to the westerly line of "West Cross street" aforesaid; that this westerly extension of the said Fern Brook street be graded up to meet the grade of the said "West Cross street"; and also that adequate approaches thereto from the west and from the north be graded up in like manner, all as indicated on plan hereinbefore referred to.

It is further Ordered: That that portion of Fern Brook street west of Bridge street, which is between the westerly line of Bridge street (if extended) and the easterly line of the Railroad company's right of way, shall be abandoned and discontinued as a public street, for all purposes; and that the land within the lines of the part of the said street which is so discontinued shall be released by the City of Yonkers to the surviving trustee under the will of Thomas W. Ludlow, jr., deceased, or the parties who may have succeeded to his title, as the event may be; reserving, however, to The New York Central and Hudson River Railroad Company the right to lay a 20-inch drain near the northerly end of this strip of land, as is shown on the plan (Exhibit N) aforesaid, and reserving to the said Company or to the City of Yonkers the right to maintain the said drain so long as occasion therefor exists.

It is further Ordered: That that portion of Fern Brook street lying east of the westerly line of Bridge street (if extended) and extending easterly for a distance of about 95 feet is to be elevated to a level grade, intersecting the existing grade of Fern Brook street at a point 95 feet east of the westerly line of Bridge street.

A retaining wall of dry rubble stone is to be constructed along the northerly side of Fern Brook street in front of the property of the Westchester Lighting Company; also on the southerly side of Fern Brook street in front of the property of the Deane Plaster Company; also at the foot of Fern Brook street, along the easterly end of the portion of the said street that is abandoned and discontinued as aforesaid.

Street construction, including retaining walls, slopes, sewers, drains, sewer basins, manholes, pavement, curb, gutter, flagging, etc., etc., is to be carried out as is designated on the plan (Exhibit N) hereinbefore referred to; and this construction is to conform to the character of work indicated in the specifications covering the elimination of grade crossings in the city of Yonkers as previously approved by the Public Service Commission.

It is understood that fencing, including necessary supports or other protection along street lines, may be placed either within the limits of the street widths as hereinbefore defined or immediately outside without increasing the width of the structure, provided no permanent interference with building up to the street line is caused thereby.

[Case No. 1434]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF MOUNT MARION, Ulster county, *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, operating the West Shore railroad.

In the above entitled matter, after due hearing and deliberation, it is

Ordered: That the respondent, The New York Central and Hudson River Railroad Company, be and is hereby directed and required to install a bell signal at the highway crossing known as the Glasco Turnpike, near Mount Marion station, as soon as may be practicable and prior to the 1st day of June, 1910, and thereafter to maintain the said bell signal in good condition and repair and in successful operation as a warning against the approach of trains to persons walking or riding in vehicles across the tracks of the West Shore railroad at said highway crossing.

It is further Ordered: That the said respondent shall so use its passing track near said highway crossing that the bell will not ring continuously while any train is standing upon such passing track, and also so use such passing track that trains standing thereon will not obstruct the crossing.

It is further Ordered: That the said respondent shall for three months next succeeding the installation of said bell signal keep a separate and accurate record of its operation, including any failures of such bell signal to operate and any ringing thereof not caused by the operation of passing trains, and file the same with the Commission at the end of said period.

It is further ordered: That the said respondent shall, on or before the 5th day of May, 1910, notify this Commission whether the terms of this order are accepted and will be obeyed.

[Case No. 1494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition by the TOWN BOARD AND TOWN SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF COLCHESTER, Delaware county, under section 61 of the Railroad Law for an order determining whether a new highway laid out by said municipal authorities shall be constructed across the New York, Ontario and Western railway, over, under, or at the grade of said railway, near Cooks Falls station, in said town.

Whereas, In the matter of the application of the town board and town superintendent of highways of the Town of Colchester, Delaware county, under

section 61 of the Railroad Law for an order determining whether a new highway shall pass over, under, or at grade the tracks of the New York, Ontario and Western Railway Company, a hearing has been held at an appointed time and place, after due notice thereof as required by statute; now therefore, after due consideration of the situation as presented by testimony given at said hearing, it is

Ordered: That the highway laid out by the town officials of the Town of Colchester, Delaware county, N. Y., more particularly described as follows: "Beginning at a point a short distance southerly of the railroad station at Cook's Falls in the town of Colchester, N. Y., from the present highway and the lands of Myra J. Cole on the one side of said railroad to the highway and the lands of Martha Cook on the other side of said railroad, and crossing said railroad where there has heretofore been a farm crossing for a number of years last past, which said farm crossing was heretofore discontinued by said railroad company"; be constructed at grade across the railroad tracks of the New York, Ontario and Western Railway Company at Cook's Falls; that said crossing shall be planked with at least 2-inch planks between the rails of said tracks and for 2 feet on each side thereof, the total width of said planking to be not less than 8 feet; that suitable approaches be constructed from either direction with tile ditches thereunder for drainage purposes, said approaches to be at least 10 feet in width and to extend on either side to the limits of the railroad's right of way; that there be erected at said crossing a highway crossing-sign similar in construction and design to that which was approved by the Board of Railroad Commissioners and which is now in universal use at highway crossings.

[Case No. 546]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the VILLAGE OF BROCTON, Chautauqua county, *against* THE PENNSYLVANIA RAILROAD COMPANY and THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY as to dangerous conditions at the Central Avenue crossing of said railroads in the village of Brocton.

Whereas, In the matter of the complaint of the Village of Brocton, Chautauqua county, against The Pennsylvania Railroad Company and The New York, Chicago and St. Louis Railroad Company as to dangerous conditions at the Central Avenue crossing of said railroads in the village of Brocton, in which, after a hearing held by the Commission on September 17, 1909, the following order was entered on December 1, 1909: "That said respondents be and are hereby directed to install gates at said crossing to be operated from a tower; that respondents submit to the Commission plans showing the location of said gates and tower before the 1st day of January, 1910, and that upon the approval of said plans the Commission will make further order prescribing the time within which the installation shall be completed"; and

Whereas, A plan was submitted by The New York, Chicago and St. Louis Railroad Company on December 30, 1909, in accordance with said order, which plan is satisfactory to this Commission: it is

Ordered: That said plan which bears the following title: "Proposed Location of Crossing Gates at Central Avenue, Brocton, N. Y. Chf. Engrs. office, N. Y., C. & St. L. R. R. Scale 1″=20′"; be and is hereby approved.

It is further Ordered: That said The Pennsylvania Railroad Company and The New York, Chicago and St. Louis Railroad Company be and hereby are required to install and have said gates in operation not later than July 1, 1910.

It is further Ordered: That each of said railroad companies shall, on or before the 16th day of May, 1910, notify this Commission whether the terms of this order are accepted and will be obeyed by it.

[Case No. 1336]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the STATE HIGHWAY COMMISSION under section 62 of the Railroad Law for the elimination of the crossing by the Buffalo, Rochester and Pittsburgh Railway Company's tracks of State Road No. 16, section 2, in the town of Wheatland, Monroe county.

After due hearing and deliberation it is

Ordered: That the highway crossing in the town of Wheatland, Monroe county, at the point where the tracks of the Buffalo, Rochester and Pittsburgh Railway Company intersect section 2 of State Road No. 16 at grade, be changed to an undercrossing, in accordance with section 62 of the Railroad Law; and that the Buffalo, Rochester and Pittsburgh Railway Company be and it hereby is directed to prepare and submit to this Commission for approval, on or before the 1st day of June, 1910, plans, specifications, and estimates of cost for carrying the state highway under the railroad tracks at the point in question; that upon the filing of such plans, specifications, and estimates this Commission shall issue such order as the requirements of the case may demand.

[Case No. 132]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ROCHESTER RAILWAY COMPANY (now New York State Railways), under section 68 of the Railroad Law for a determination as to how its double-track electric railroad shall cross the Charlotte branch of the New York Central and Hudson River railroad on Lyell avenue in the city of Rochester, and as to proportion of expense of the crossing.

Whereas, The New York Central and Hudson River Railroad Company and New York State Railways have entered into an agreement relative to the

crossings of the tracks of the railroad company in Lyell avenue in the city of Rochester by the tracks of the New York State Railways, at grade, pursuant to the order of this Commission, and have submitted a copy of said agreement which is dated April 7, 1910, to this Commission for approval,

Ordered: That said agreement as set forth in the copy filed be approved, except that paragraph thereof numbered "Fourth" which provides that the railroad company may in a certain event remove said tracks; that as to said paragraph the agreement is not approved except on condition to be assented to by railroad company and by the New York State Railways, that neither company shall in any event remove or cause to be removed the tracks of the railway company except after application to this Commission for its consent to such removal and such consent has been given.

[Case No. 1327]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of ALONZO P. WHITSON, town superintendent of highways, Town of Huntington, Suffolk county, *against* THE NORTHPORT TRACTION COMPANY as to the grade of its railroad in a highway.

After due deliberation it is

Ordered: That the matter of the complaint of Alonzo P. Whitson, town superintendent of highways, Town of Huntington, Suffolk county, against The Northport Traction Company as to the grade of its railroad in a highway, be and is hereby closed upon the records of this Commission, it appearing by letter from Mr. Allison E. Lowndes, attorney for the complainant, dated May 5, 1910, and received by this Commission May 6, 1910, that The Northport Traction Company and the Town of Huntington have come to an agreement in the matter satisfactory to both parties.

[Case No. 1609]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the COUNTY OF NASSAU, by its Board of Supervisors, under section 62 of the Railroad Law as to widening an undercrossing of the Long Island railroad.

After due deliberation it is

Ordered: That the matter of the petition of the County of Nassau, by its Board of Supervisors, under section 62 of the Railroad Law, as to widen-

ing an undercrossing of the Long Island railroad, be and is hereby closed upon the records, for want of jurisdiction on the part of the Commission to proceed in the matter.

[Case No. 39]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the TOWN OF NORFOLK for modification of order of this Commission dated February 19, 1908. as to the former Raymondville and Waddington railroad, now the Norwood and St. Lawrence railroad, crossing the highway from Raymondville to Norwood, crossing number one.

Whereas, A petition has been filed with this Commission by the Town of Norfolk, St. Lawrence county, for a rehearing in the matter of the application of the Raymondville and Waddington Railroad Company under section 60 of the Railroad Law for a determination of the manner in which the railroad shall cross the streets, avenues, and highways, and for a modification of the order of this Commission therein dated February 19, 1908; now therefore, after due deliberation, it is

Ordered: That such rehearing be and the same hereby is granted, and that all testimony taken January 3, 1908, in the matter of the original application of the Raymondville and Waddington Railroad Company under section 60 of the Railroad Law as to its railroad crossing streets, avenues, and highways, and all testimony taken May 20, 1910, in the matter of the application for a rehearing made by the Town of Norfolk, together with all exhibits in the matter at any time filed, shall be considered in evidence at the rehearing, a date for which shall hereafter be set.

[Case No. 889]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany on the 27th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES N. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the GREENWICH AND JOHNSONVILLE RAILWAY COMPANY for a modification of the determination of the former Board of Railroad Commissioners as to said company's railway crossing the Cambridge-Salem turnpike in the town of Salem, N. Y.. and for an alteration in the manner of crossing said highway.

Whereas, The petition herein filed on the 28th day of April, 1909, asked that the determination of the former Board of Railroad Commissioners of the

State of New York made on the 17th day of October, 1906, be modified in the respects named in said petition; and

Whereas, Since the hearing herein the petitioner has filed with this Commission on the 26th day of May, 1910, its withdrawal of the original petition herein, and stated that it is the intention of the petitioner immediately to proceed to construct the overcrossing at crossing No. 19, on the Salem Branch, according to the determination of the Board of Railroad Commissioners dated October 17, 1906, above referred to, and without any modifications therein;

Ordered: That permission be and hereby is given to the petitioner to withdraw its original petition herein, and that this proceeding be and hereby is discontinued and closed on the records of this Commission.

[Case No. 1412]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2d day of June, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John N. Carlisle,
Commissioners.

In the matter of the Application of the New York, Westchester and Boston Railway Company, under section 60 of the Railroad Law, as to its railroad crossing streets, avenues, and highways.

In the matter of the application of the New York, Westchester and Boston Railway Company, under section 60 of the Railroad Law, for a determination by this Commission of the manner in which its railroad shall cross the streets, avenues, and highways upon the route of its main line from the boundary line between the city of New York and the county of Westchester to the city of New Rochelle, and upon the route of its branch line from the city of Mount Vernon to the village of White Plains; after due hearing and deliberation it is

Ordered: That the said main line and branch line shall cross the streets, avenues, and highways upon the respective routes as follows:

MAIN LINE

City of Mount Vernon

Kings Bridge Road: The railroad shall cross over the highway with a clearance of at least 14 ft. from the surface of the road to the lowest member of the bridge and shall span the entire width of the street; the floor of the bridge shall be open and shall be equipped with drip pans; the highway shall be lowered to secure a clearance of 14 ft. and shall be graded for about 30 ft. to the west of the center line of the railroad on an ascending grade of approximately 1 per cent and thence continuing to the west for about 400 ft. on an ascending grade of approximately 8 per cent to an intersection of the present surface of the highway. On the east the highway shall be graded for about 213 ft. on a descending grade of approximately 1 per cent and thence continuing to South Fulton avenue on a descending grade of approximately 8 per cent. The drainage shall be provided by side ditches.

South Third Avenue: The railroad shall cross over the avenue with a clearance of about 23 ft.; the distance between the abutments at the center of the road shall be about 80 ft.; posts shall be placed upon the curb line of the street and the present grade of the street shall be unchanged; the floor of the bridge shall be open and equipped with drip pans.

East Sixth Street, East Fifth Street, Jackson Street, East Fourth Street, Monroe Street, Madison Street (unless the same shall be closed), South Fulton Avenue, and East Third Street: The railroad shall cross under the above

named streets in the city of Mount Vernon with a clearance from the top of the rail to the lowest member of bridges of 18 ft., the width and grade of the streets to be unaltered. The bridges spanning said streets shall have solid floors and in other respects shall be as follows: At East Sixth street, Jackson street, South Fulton avenue, and East Third street, brick paving and granolithic sidewalks; at East Fifth street Belgian block paving and granolithic sidewalks.

South Columbus Avenue: The railroad shall cross over the avenue on a steel structure spanning 70 ft., with columns on the curb line; the bridge shall have an open floor equipped with drip pans; the present grade of the avenue shall remain unchanged.

Carpenter Place: The railroad shall cross over the street with a clearance of about 41 ft., spanning the entire width, the present grade of which shall be unchanged; the bridge shall have an open floor which shall be equipped with drip pans; the grade of the street shall remain unchanged.

Beechwood Avenue and Glen Avenue: The railroad shall cross over the avenues with a clearance of about 43 ft.; posts are to be placed at the curb line; the present grade of the avenues is to remain unchanged; the bridge shall have an open floor equipped with drip pans.

All of the foregoing crossings in the city of Mount Vernon shall also comply in all respects with the conditions and provisions of a certain ordinance of the City of Mount Vernon adopted by the common council of said City at a meeting held September 1, 1905, duly approved by the mayor, and amended by an ordinance and resolution of the City of Mount Vernon adopted the 3d day of August, 1909, and approved by the mayor on the 6th day of August, 1909, a copy of which is on file in this office and made a part of the application herein.

VILLAGE OF NORTH PELHAM

The railroad shall cross over the following streets and avenues in the village of North Pelham, spanning the entire width of such streets and avenues, the present grade of which shall be unchanged, and the clearance from the surface of the streets shall be approximately as stated opposite the name of the street or avenue, as follows, but in no case shall such clearances be less than 14 ft.: *Third street,* about 40 ft.; *First avenue,* about 40 ft.; *Second avenue,* about 24 ft.; *Third avenue,* about 14 ft. 6 in.; *Fourth avenue,* about 20 ft. 2½ in.; *Fifth avenue,* about 26 ft. (the crossing of Fifth avenue shall be upon a concrete arch and the clearance indicated is that at the center of the arch over the street: the clearance at the side lines of the street shall be not less than 10 ft.); *Sixth avenue,* about 14 ft.; *Seventh avenue,* about 14 ft.; unless Eighth avenue is closed with the consent of the proper authorities, the railroad shall cross over the same with a clearance of 14 ft., spanning the entire width of the avenue.

All bridges in the village of North Pelham shall have solid floors.

The railroad shall be constructed between Second and Seventh avenues in the village of North Pelham upon an earth embankment, with concrete retaining walls of sufficient height to keep the embankment within a strip one hundred feet in width; the slopes of such embankment shall be sodded, and shall be maintained by the railroad company in proper condition and free from rubbish, the sod on the slopes to receive proper care and attention at all times and at the expense of the railroad company.

CITY OF NEW ROCHELLE

Webster Avenue: The railroad shall cross under the avenue with a clearance of 18 ft. from the top of the rail to the lowest point of the bridge; the bridge shall be the full width of the present street, the grade of which shall remain unchanged; the bridge shall have a solid floor, and the driveway shall be paved with brick; granolithic sidewalks are to be provided.

Prince Street: The railroad shall cross over the street with a clearance of about 18¼ ft.; the bridge shall span the full width of the street, the present grade of which shall remain unchanged; the bridge shall have an open floor, equipped with drip pans.

Spring Street: The railroad shall cross over the street with a clearance of 14 ft.; the bridge shall span the full width of the street, the grade of

which shall remain unchanged; the bridge shall have an open floor, equipped with drip pans.

North Street: The railroad shall cross over the street with a clearance of 14 ft.; the distance between street lines shall be about 66 ft.; there shall be posts upon the curb line of the street, the present grade of which shall remain unchanged; the bridge shall have a solid floor.

BRANCH LINE

CITY OF MOUNT VERNON

Lincoln Avenue: The railroad shall cross over the avenue with a clearance of 14 ft.; the bridge shall be not less than 75 ft. in length, with posts at the curb lines of the street, the grade of which shall remain unchanged; the construction shall be in all respects in conformity with the franchise and a certain ordinance of the City of Mount Vernon adopted by the common council of said City September 1, 1905, and amended by an ordinance and resolution of said City adopted August 3, 1909, a copy of which is on file in this office and made a part of the application herein.

TOWN OF EASTCHESTER

New Rochelle Avenue: The railroad shall pass over the avenue with one span of plate girders; the distance between the abutments of the bridge shall be not less than 40 ft., and the clearance from the surface of the street to the lowest member of the bridge shall be at least 14 ft.; the avenue shall be lowered under the center line of the railroad a distance of about 4½ ft.; the grade of the avenue west of the railroad shall be on approximately a 5 per cent ascending grade from a point 50 ft. west of the center line of the railroad, and approximately a one-tenth per cent descending grade to the east from the said point 50 ft. west of the center line; drainage shall be provided by side ditches; the bridge shall have a solid floor.

CITY OF NEW ROCHELLE

North Avenue: The railroad shall pass under the avenue, with a clearance from the top of the rail to the lowest member of the bridge of 18 ft.; the highway shall be carried across at its present width, and the grade thereof shall remain unchanged; the bridge shall have a solid floor.

Quaker Ridge Road: The railroad shall pass under the highway with a clearance of at least 18 ft. between the top of the rail and the lowest member of the bridge; the bridge shall have a solid floor.

The crossings in the city of New Rochelle on the White Plains branch shall also comply with all the terms and provisions of a certain ordinance and resolution of the common council of said City of New Rochelle adopted March 15, 1910, and approved by the mayor on March 19, 1910, a copy of which is on file in this office and made a part of the application herein.

TOWN OF SCARSDALE

Palmer Avenue, Heathcote Road, Fenimore Road, Mamaroneck Road: The railroad shall pass under the above named streets and highways in the town of Scarsdale. The bridges shall have solid floors, with macadam or asphalt paving, and the distance between wheel-guards on the bridges shall be at least 30 ft.; the clearance from the top of the rail to the lowest member of the bridge shall be 18 ft.

The width of said bridges and the grades of the approaches thereto shall be as follows:

Palmer Avenue: The width of the bridge shall be at least 50 ft.; the west approach to the bridge shall be approximately on a 5 per cent grade, and the east approach approximately on a 4 per cent grade.

Heathcote Road: The width of the bridge shall be at least 50 ft.; the approaches to the bridge shall be on approximately a 4 per cent grade.

Fenimore Road: The width of the bridge shall be at least 50 ft.; the present grade of the highway shall not be changed.

Mamaroneck Road: The bridge shall be at least 50 ft. in width, and the present grade of the road shall not be changed.

TOWN OF WHITE PLAINS

Ridgeway Road: The railroad shall pass over the highway with a single-span plate girder; the clearance from the surface of the avenue to the lowest member of the bridge shall be 15 ft.; the right-angled distance between the

faces of the abutments shall be at least 50 ft.; drainage shall be toward the east by side ditches; the bridge shall have a solid floor.

Gedney Way: The railroad shall pass under the highway with a clearance of 18 ft.; the bridge shall have a width of driveway of at least 40 ft.; the approaches to the bridge shall be at least 25 ft. wide until near the bridge when they are to be rounded off to 40 at the bridge; the bridge shall have a solid floor; the grade of the highway on the west of the center line of the railroad shall be approximately level for a distance of about 25 ft., and thence descending on approximately a 3.05 per cent grade for about 175 ft., thence approximately level until it intersects the present grade. On the east from the center line of the railroad the road shall be approximately level for a distance of about 25 ft., thence descending at a grade of approximately 5 per cent for a distance of about 207 ft. until it intersects the present surface of the road.

Mamaroneck Avenue: The railroad shall pass under the avenue with a clearance of 18 ft.; the grade of the avenue and the distance between the curb shall remain unchanged; the bridge shall have a solid floor and shall be paved with brick.

VILLAGE OF WHITE PLAINS

Green Place: The railroad shall cross over the street and shall span the entire width of the street; the bridge shall have a solid floor, and the clearance from the surface of the street to the lowest member of the bridge shall be 14 ft.; the bridge abutments shall be of concrete.

Westchester Avenue: The railroad shall cross over the avenue with a bridge consisting of three spans of plate girders, with steel columns on the curb lines, and have a solid floor; the clearance from the surface of the street to the lowest member of the bridge shall be 24 ft.

Kensico Avenue: The railroad shall cross over the avenue with a bridge consisting of a single-span plate girder with a solid floor; the clearance from the surface of the street to the lowest member of the bridge shall be 19 ft.; the bridge abutments shall be of concrete.

Twenty-five foot sewer easement shall be crossed by the railroad with a single-span steel plate girder; the clearance from the surface of the ground over the sewer to the bottom of the structure shall be 57 ft.

The foregoing specifications with reference to the crossings in the village of White Plains are all in conformity with a report made by John Y. Lavery, village engineer, on the 4th day of April, 1910, which was adopted by the board of trustees of the Village of White Plains on the same day and approved by the president of said Village on the 5th day of April, 1910, a copy of which is on file in this office, attached to and made a part of the petition in this case.

[Case No. 102]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 of the Railroad Law as to the elimination of grade crossings of its railroad in the village of Ossining.

Order as to changes in plans.

Whereas, The Hudson Wire Company, Charles G. Washburn, The Mosher Water Tube Boiler Company, Joseph M. Rigney, Rand, McNally & Company,

The Northern Westchester Lighting Company, Peter Smith, and George W. Williams, owners of property located on the west side of the New York Central and Hudson River railroad tracks in the village of Ossining, presented a petition to this Commission on May 24, 1910, asking for certain modifications of the approved general plan covering the elimination of the grade crossings of the New York Central and Hudson River railroad in the village of Ossining, the petition requesting (1) that on the street to be constructed parallel to and west of the railroad tracks between the Secor Road crossing and the Broadway crossing the sidewalk be located on the west side of the street instead of on the east side of the street as shown upon the approved plan; (2) that the stairways serving the foot-bridges be constructed with a middle landing so that persons using the bridges will ascend the stairs directly from the sidewalk running north and south on the above named street; (3) that the station platforms be extended to Quimby street with an exit, and if practicable an entrance, to be connected with an overhead bridge at Quimby street; (4) that an additional overhead foot-bridge be constructed at Quimby street; and

Whereas, A hearing upon said application, after due notice to all interested parties, was held at Albany on June 7, 1910; it is

Ordered: 1. That that part of the petition relating to the construction of the sidewalk on the west side of the new street running parallel to and west of the tracks be and hereby is granted.

Ordered: 2. That that part of the petition relating to the foot-bridges, calling for a construction with a middle landing with stairways so arranged that persons intending to use these bridges will ascend the stairs directly from the sidewalk which is to be located on the westerly side of the street running parallel to and west of the tracks, be and hereby is granted.

Ordered: 3. That those parts of the petition relating to the extension of the station platform to Quimby street with an exit at that point, and to an additional foot-bridge to be erected at Quimby street, be and hereby are dismissed.

[Case No. 1484]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of June, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of the Board of Trustees of the Village of Medina *against* Buffalo, Lockport and Rochester Railway Company as to crossing at grade of Prospect street in said village by said company's railroad.

A hearing was had upon the complaint and answer in this case, at Rochester, on the 8th day of June, 1910, at which hearing it appeared that the respondent had had in effect since April 28, 1909, an order that motormen of all trains, in either direction, should reduce speed to four miles an hour in Prospect street. It further appeared to the Commission, from all the evidence and statements made in the case, that the cars of respondent can cross said Prospect street in the village of Medina with safety to the traveling public without coming to a full stop, provided the said order reducing speed to four miles an hour be literally obeyed; and that in order to prevent violations of said order it is desirable that the company place a suitable sign

upon each side of said street within its right of way, warning and directing motormen to bring the speed of their cars down to four miles an hour in crossing said Prospect street; now therefore

Ordered: 1. That the respondent, the Buffalo, Lockport and Rochester Railway Company, and the receivers thereof, be and they hereby are directed to continue in force the said order requiring motormen to reduce speed of cars to four miles an hour before crossing said Prospect street in the village of Medina, and that the said respondent and the receivers thereof place at a proper distance from said street, on each side thereof, a sign warning and directing the motormen to reduce speed to four miles per hour in crossing said street; that said signs be erected with all practicable dispatch; and that the receivers of respondent notify the Commission when such signs shall have been erected and give a description of the character of the signs so placed.

Ordered: 2. That this order shall take effect upon service of a certified copy thereof upon the receivers of said company, and shall continue in force until modified or abrogated by this Commission.

Ordered: 3. That upon compliance with the terms of this order in respect to the erection of such signs this proceeding be dismissed.

[Case No. 900]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the CITY OF OLEAN for an order compelling the Western New York and Pennsylvania Traction Company to file plans in the office of the city engineer in the city of Olean for the construction of a bridge on South Union street in said city, and to proceed with the construction of said bridge.

Whereas, In the matter of the application of the City of Olean for an order compelling the Western New York and Pennsylvania Traction Company to file plans in the office of the city engineer in the city of Olean for the construction of a bridge on South Union street in said city, and proceed with the construction of said bridge, the chairman of this Commission did on May 13, 1909, write to Mr. George A. Larkin, city attorney, Olean, N. Y., and J. L. Page, attorney at law, Olean, N. Y., and state that in view of the question as to the jurisdiction and power of the Commission to award the desired relief the Commission wished to have a brief submitted; and

Whereas, No reply has been received from Mr. Larkin or Mr. Page, although a letter was written by the secretary of this Commission on June 14, 1910, calling attention to the previous letter from the chairman and requesting to be advised if the City of Olean desired to advance the case to a hearing, and no reply having been received to this communication,

Ordered: That the case be and it hereby is closed upon the records.

[Case No. 39]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the RAYMONDVILLE AND WADDINGTON RAILROAD COMPANY, under section 60 of the Railroad Law for a determination of the manner in which its railroad shall cross streets, avenues, and highways in the county of St. Lawrence.

Whereas, In the above entitled matter this Commission by order dated February 19, 1908, determined the manner in which the railroad of the Raymondville and Waddington Railroad Company should cross certain highways; and

Whereas, The said order provided that a crossing in the town of Norfolk known as crossing No. 1, at station 20 of the railroad survey, should be over the grade of the highway from Raymondville to Norwood, with a minimum clearance of 12 feet between the highway and the bridge carrying the railroad; and

Whereas, A petition was filed by the Town of Norwood for a modification of said order of February 19, 1908; and a hearing having been held in the city of Watertown on the 20th day of May, 1910, at which time it appeared by the evidence presented that the method of crossing provided for in the order above mentioned is impracticable and undesirable; and

Whereas, It further appeared it is the desire of all parties concerned that the said crossing be at grade; now therefore, after due deliberation,

Ordered: That this Commission's order dated February 19, 1908, in the above entitled matter, be and the same is hereby rescinded in so far as it refers to crossing No. 1, of station 20 of the railroad survey, in the town of Norfolk; and it is further

Ordered: That in respect thereto this Commission determines that said crossing shall be at grade.

[Case No. 1464]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the VILLAGE OF LITTLE VALLEY, Cattaraugus county, under section 61 of the Railroad Law as amended by chapter 153 of the laws of 1909, for an order determining whether a new street laid out in said village shall be constructed across the Erie railroad, over or under said railroad or at grade.

Ordered: That the matter of the petition of the Village of Little Valley, Cattaraugus county, under section 61 of the Railroad Law as amended by chapter 153 of the laws of 1909, for an order determining whether a new

street laid out in said village shall be constructed across the Erie railroad, over or under said railroad or at grade, be and the same hereby is closed upon the records of this Commission, it appearing by letter from T. L. Newton, attorney for the Village of Little Valley, dated June 23, 1910, and received by this Commission June 25, 1910, that the plan to cross the tracks of the Erie railroad with a highway in the village of Little Valley has been abandoned by the Village, and that the petitioner desires to withdraw the petition.

[Case No. 1704]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the HUDSON VALLEY RAILWAY COMPANY under section 53 of the Public Service Commissions Law as to construction of an extension of a street railway in the village of Saratoga Springs, town of Saratoga Springs; and under section 98 of the Railroad Law for a determination as to the manner in which said extension shall cross the track of the Boston and Maine Railroad in the town of Saratoga Springs.

Whereas, This Commission did, by order dated July 5, 1910, authorize the Hudson Valley Railway Company, a domestic street surface railway corporation, to build, maintain, construct, and operate, pursuant to section 53 of the Public Service Commissions Law, a single-track branch of its present railroad system for the purpose of connecting what is known as its Glens Falls division with its Waterford division, the route and location of said extension and connecting line being fully set forth and described in the order above mentioned; and

Whereas, The said proposed extension will cross the tracks of the Boston and Maine Railroad in the town of Saratoga Springs;

Ordered: 1. Pursuant to section 98 of the Railroad Law, that the crossing of the Boston and Maine Railroad by the track of the said Hudson Valley Railway Company shall be at grade, and that the said Hudson Valley Railway Company shall bear the entire expense of the construction and maintenance of said crossing.

Ordered: 2. That the said Hudson Valley Railway Company be and it hereby is directed to construct and maintain over the trolley wire across the track of the said Boston and Maine Railroad a metal trough of the kind and description in general use at such crossings, and that it be and hereby is directed to construct, lay down, and maintain derails in its track at the point in question where the same purposes to cross the track of the said Boston and Maine Railroad, at reasonable distances on both sides of the track of the said Boston and Maine Railroad.

Ordered: 3. That the Hudson Valley Railway Company shall be and it hereby is required to submit to this Commission for its approval, plans and specifications for the construction above mentioned.

[Case No. 1520]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of The New York Central and Hudson River Railroad Company under section 62 (now section 91) of the Railroad Law for the elimination of grade crossing at Griffin's highway, Brewster, New York.

An application dated January 4, 1910, under section 62 (now section 91) of the Railroad Law, asking for the elimination of Griffin's highway grade crossing of the New York and Harlem railroad in the town of South East, Putnam county, having been filed with this Commission on January 10, 1910, upon which application a hearing was given by the Commission in the city of New York on May 10, 1910; and it satisfactorily appearing that public safety requires the elimination of said grade crossing, it is, under section 91 of the Railroad Law,

Ordered: 1. That the Griffin's highway grade crossing of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) near Brewster, in the town of South East, Putnam county, shall be closed and discontinued, and new pieces of highway and an overhead bridge highway crossing of said New York and Harlem railroad near the present grade crossing shall be constructed substantially as indicated on a blue-print on file in this office and entitled "N. Y. C. & H. R. R. R., Leased and Operated Lines, Harlem Division, Elimination of Grade Crossing, Griffin's Highway, Brewster," said plan being issue No. 2 and dated August 11, 1909.

Ordered: 2. That the structure carrying the highway shall be constructed according to the following specifications and dimensions: (*a*) Beginning at a point in the existing highway about 600 feet west of the existing track, a new highway on a straight line and on an earth embankment, south of and at uniformly varying distances from the present highway, shall be constructed to a point about 440 feet from the point of beginning, where the distance between center lines of existing and proposed highways shall be about 75 feet; thence proceeding easterly on an earth embankment through an angle of 17 degrees 15 minutes toward the left on a curve of radius of 262 feet to a point within the railroad company's right of way line; thence continuing in a straight line over the existing and proposed new tracks and a creek channel upon a steel viaduct, in four spans supported by masonry abutments and piers, and placed with axis at an angle of 72 degrees 24 minutes with the railroad company's monumented center line, a distance of about 280 feet, the lengths of spans beginning at the westerly end being about as follows: 35 feet, 105 feet, 105 feet, 35 feet; thence proceeding easterly and curving through an angle of 50 degrees to the right on a radius of 262 feet to a junction with the existing highway surface. (*b*) The grades beginning on the westerly end of the westerly approach and proceeding easterly shall be as follows: descending 4½ per cent about 293 feet, level about 470 feet, descending 1.7 per cent to the easterly end of the easterly approach. (*c*) The embankments forming the new approaches to the viaduct shall be built to a width of 24 feet on top, and substantial timber railings on 20 feet centers shall be constructed on each side. The highway for the entire length of the improvement, except on the viaduct, shall be paved with gravel for a width of 16 feet and a depth of 6 inches. (*d*) The steel viaduct shall have a three-

inch plank floor laid upon timber joists; the clear width of roadway between wheel-guards shall be 19 feet; the clear headroom above the rails shall be not less than 21 feet. (*e*) That a temporary crossing for the accommodation of the public shall be provided during the construction of the viaduct and its approaches.

Ordered: 3. That The New York Central and Hudson River Railroad Company shall pay all expenses, costs, and charges of the proposed elimination, including construction and damages if any, and shall in perpetuity maintain the roadways and railings on the viaduct and its approaches, in accordance with a stipulation of said company dated July 8, 1910, and received by this Commission July 9, 1910.

[Case No. 1756]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Joint Petition of the SOLVAY PROCESS COMPANY and the SYRACUSE AND SUBURBAN RAILROAD COMPANY for approval of a contract between said companies under which the right of way of the railroad company is to be crossed by a viaduct or overhead bridge of the Solvay Process Company.

In the matter of the application of the Solvay Process Company and the Syracuse and Suburban Railroad Company for approval of a contract between the said companies authorizing construction of a railway viaduct by the Solvay Process Company over the right of way of the Syracuse and Suburban Railroad Company at Jamesville, near Syracuse, N. Y., which said viaduct is merely to cross said right of way by overhead construction 22 feet 6 inches in the clear above the Syracuse and Suburban tracks, and does not rest by its piers or otherwise upon any part of said right of way; in the opinion of the Commission the approval of said contract is apparently not required under section 54 of the Public Service Commissions Law, but such approval would be required under said section in case the construction and maintenance of said viaduct should involve interference with the franchise or rights of the Syracuse and Suburban company, or the safe and adequate operation of its railroad in the absence of proper safeguards or protective devices. Now, after consideration, and in view of the desire of the applicants as set forth in the petition, it is

Ordered: That the said contract between the applicants, the Solvay Process Company and the Syracuse and Suburban Railroad Company, providing for the construction of said viaduct over the right of way of the said last named company, be and is hereby formally approved.

[Case No. 773]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition and Amended Petition under section 62 of the Railroad Law (now section 91 of the Railroad Law) of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to the Hartsdale Avenue grade crossing, towns of Scarsdale and Greenburg, Westchester county.

A petition under section 62 of the Railroad Law dated June 22, 1905, asking for the elimination of the Hartsdale Avenue grade crossing of the New York Central and Hudson River railroad in the town of Scarsdale, and an amended petition dated August 8, 1905, asking for the elimination of this grade crossing in the towns of Scarsdale and Greenburg, Westchester county, having been presented to the Board of Railroad Commissioners by The New York Central and Hudson River Railroad Company, upon which petition after due notice to all interested parties as required by statute hearings were held by said Commission on August 2, 1905, and November 15, 1905, and by the Public Service Commission, Second District, on March 19, 1909, May 25, 1909, and July 12, 1910; and it appearing to this Commission from the facts submitted that public safety requires the elimination of said Hartsdale Avenue grade crossing, it is, under section 91 of the Railroad Law,

Ordered: 1. That the present grade crossing of Hartsdale avenue by the New York Central and Hudson River railroad, said crossing being located in the town of Greenburg at the Hartsdale station of said company, shall be closed and discontinued, and said highway shall be carried over the grade of the railroad by means of a new highway to be opened and laid out as shown upon a white-print on file with this case in this office, entitled "N. Y. C. &. H. R. R. R. Leased and Operated Lines, Harlem Division. New Main Tracks Station Layout and Elimination of Grade Crossing, Hartsdale avenue, Hartsdale. Issue No. 7. Revised 2–4–09"; the said map for purposes of identification also being marked as follows: "Public Service Commission, Second District, March 19, 1909. Applicant's Ex. 2, D. N. B."

Ordered: 2. That the center line of the new highway shall be located as hereinafter described in paragraph *a;* that the width of said highway shall be 50 feet, except at all points where the slope of the embankments constituting the approaches shall be of a greater base width than 50 feet, the boundaries at such points of the highway shall be at the bottom of the slopes; that the structure carrying the highway, including approaches to the overgrade crossing, shall be constructed according to the following specifications and dimensions:

a. Beginning at a point in the center line of Hartsdale avenue on the west side of the railroad in the town of Greenburg and about 325 feet from the center line between the existing tracks measured along the center line of the present highway, at a point marked "X" on the said map, thence proceeding with center line in a southwesterly direction over a brook to be spanned by a masonry arch and across property leased by the Scarsdale Golf and Country Club, belonging to the Scarsdale Estates, a distance of about 480 feet to a point distant about 123 feet at right angles from the center line between the existing tracks; thence with center line curving to the left through an angle of about 74 degrees on a radius of 50 feet to a paved solid floor bridge in two spans about 50 feet and 74 feet long over all, supported at the intermediate point by columns and piers and at the extreme ends by masonry abutments, the axis of the structure to be placed at right angles with

the track alignment; thence with center line curving to the right through an angle of about 23 degrees on a radius of about 50 feet; thence in a southerly direction across the Bronx river, spanning said Bronx river by means of a masonry arch of at least 30 feet clear opening, a distance of about 350 feet to a junction with the existing surface and alignment of Hartsdale avenue in the town of Scarsdale, the center line of the Bronx river being the dividing line between the towns of Greenburg and Scarsdale.

b. An approach to the new surface and alignment on the easterly approach to the overgrade crossing and wholly within the town of Scarsdale shall be constructed along the present alignment of Hartsdale avenue, said approach to descend toward the north on a grade of about 7 per cent to an intersection with the existing grade of the highway.

c. Beginning at the northerly end of the westerly approach in the town of Greenburg the grades on the new highway shall be as follows: 0 per cent for about 230 feet; ascending about 4.75 per cent to about the back of the westerly abutment; ascending 0.5 per cent for about 50 feet, the roadway then to be crowned for a distance of about 40 feet, from which point the grade will descend on a 0.5 per cent grade for about 50 feet to about the back of the easterly abutment; thence descending about 7 per cent for about 200 feet; 0.5 per cent about 155 feet to a junction with the existing surface of Hartsdale avenue in the town of Scarsdale.

d. The total width of all approaches between tops of slope lines shall be 50 feet, of which 30 feet shall be in a roadway and 20 feet in two sidewalks each 10 feet wide, including a protecting fence, except at the northerly end of the westerly approach where for a distance of about 200 feet measured along the center line the roadway is to be 40 feet wide and only one sidewalk 10 feet wide on the westerly side is to be provided.

e. The superstructure shall be of steel, of through plate girder construction, the distance between girders to be such as to provide for a roadway 30 feet wide between curb lines; each of the two sidewalks to be 8 feet wide between clearance lines of the metal; the roadway to be paved with vitrified brick and the sidewalks to be of concrete.

f. All of the approaches shall be paved with macadam topped with rock screenings, and concrete walks 5 feet wide shall be placed in the center of the sidewalk strips.

g. Substantial railings of approved design are to be erected wherever required through the length of the improvement.

h. An overgrade steel foot-bridge, with plank or concrete floor, to conform to the adjacent bridge to be built by the Railroad company for its own purposes, and stairways at each end shall be erected at or near the northerly line of the present highway where it crosses at grade. This bridge shall have an available width of not less than 6 feet between clearance lines of the metal.

i. The clearance above the top of the rails of the new overgrade crossing and at the foot-bridge shall be not less than 16 feet.

j. An approach to the re-located club house and the barn of the Scarsdale Golf and Country Club shall be constructed substantially as shown upon the plan or as may be subsequently decided upon by this Commission.

k. The existing grade crossing is to be left open for the accommodation of highway traffic until the completion of the overgrade crossing and its approaches; the existing highway to be closed and discontinued across the right of way of the railroad upon the completion of the overgrade crossing. And

Whereas, The elimination of this crossing with the railroad tracks as they now exist could be satisfactorily accomplished with a bridge 92 feet long, with two spans of the lengths of 50 feet and 42 feet over all, but at the request of The New York Central and Hudson River Railroad Company and for its purposes the bridge ordered and directed is of the length of 124 feet, in two spans of 50 feet and 74 feet in length over all, it is

Ordered: 3. That this elimination is ordered upon the hereby expressed condition that said Railroad company shall pay the entire cost of the additional length of bridge and paving thereon without any credit to it on account

of other work which may be saved by the additional length of said bridge. this Commission having required said company to and said company having filed with this Commission a stipulation to said effect.

[Case No. 775]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
John B. Olmsted,
Commissioners.

In the matter of the Joint Petition under section 62 of the Railroad Law (now section 91 of the Railroad Law) of The New York Central and Hudson River Railroad Company and the Town Board of the Town of Eastchester, Westchester county, as to the Chambers grade crossing in the town of Eastchester, Westchester county.

A joint petition under former section 62 of the Railroad Law dated March 11, 1905, asking for the elimination of the Chambers grade crossing of the New York Central and Hudson River railroad in the town of Eastchester, having been presented to the Board of Railroad Commissioners by The New York Central and Hudson River Railroad Company and by the town board of the Town of Eastchester, upon which petition after due notice to all interested parties as required by statute hearings were held by said Commission on August 2, 1905, and by the Public Service Commission, Second District, on March 19, 1909, and on July 12, 1910; and it appearing to this Commission from the evidence submitted at these hearings that public safety requires the elimination of the said Chambers grade crossing, it is, under section 91 of the Railroad Law,

Ordered: 1. That the present grade crossing of the New York Central and Hudson River railroad known as the Chambers crossing in the town of Eastchester, Westchester county, shall be closed and discontinued and the highway shall be carried over the existing grade of the railroad by means of the existing and new highways to be laid out as shown upon a blue-print on file with this case in this office and entitled "N. Y. C. & H. R. R. R. Leased and Operated Lines, Harlem Division. New Main Tracks and Elimination of Chambers Grade Crossing, Yonkers Park, Scarsdale. Dated January 3, 1905. Issue No. 4. Revised 11–21–'07"; the plan being marked for further identification as follows: "Pub. Service Com. 2nd Dist. Applt. Ex. 1, Mar. 19, '09, D. N. B."

Ordered: 2. That the center line of the new highways be located as hereinafter described in paragraph *a;* that the width of said highways shall be 50 feet; that the width between tops of slope lines shall be 23 feet, and at all points where the slope of the embankments constituting the approaches shall be of a greater base width than 50 feet the boundaries of the highways shall be at the bottom of the slopes; and that the structure carrying the highway including the approaches to the overgrade crossing shall be erected according to the following specifications and dimensions:

a. Beginning at the easterly end of the existing bridge carrying the highway over the Bronx river on the west side of the railroad, the present alignment of the highway is to be preserved to a point west of and about 90 feet from the center line between the two existing tracks measured along the center line of the highway, curving thence to the right with the center line on a radius of about 50 feet through an angle of about 26 degrees; thence on a straight line and at right angles to the present track alignment across the

railroad tracks on a bridge about 60 feet long over all, supported by masonry abutments; thence curving to the left with center line on a radius of about 50 feet through an angle of about 63 degrees; thence proceeding in a straight line to a junction with the existing highway, said junction being located about 160 feet from the center line between the existing tracks measured at right angles thereto. This approach shall hereafter be referred to as Approach B.

b. There shall be another approach to this overgrade crossing constructed on the east side of the railroad and north of the new overgrade crossing, said approach to be located with center line 66 feet from and parallel to the center line between the existing tracks to a point 485 feet north from the continuation of the bridge axis. The balance of this approach extending north about 195 feet from the last named point to a junction with the existing highway shall be deflected easterly in such a manner that at its junction with the present highway its center shall be 78 feet distant from the center line between the existing tracks. This approach will hereafter be referred to as Approach A.

c. Beginning at the westerly end of the westerly approach the grades of the new highway shall be as follows: 0 per cent from the easterly end of the Bronx River bridge about 100 feet; ascending about 7 per cent a distance of about 395 feet; ascending on a 0.5 per cent grade for about 25 feet the roadway then to be crowned for about 35 feet, from which point the grade shall descend on a 0.5 per cent grade for about 25 feet; about 1.48 per cent descending on Approach B to an intersection with the existing highway surface; beginning at the northerly end of Approach A the grades shall be 0 per cent for about 310 feet; ascending 5.42 per cent about 315 feet; ascending about 2 per cent for 40 feet.

d. The total available width of all the approaches between insides of railings shall be 20 feet, all of which is to be in the roadway.

e. The superstructure shall be of steel, of through plate girder construction, about 59 feet long over all. The available width between wheel-guards is to be 20 feet. The bridge is to have a solid floor, paved with vitrified brick.

f. All the approaches shall be paved with gravel.

g. Substantial railings of approved design are to be erected wherever required throughout the length of the improvement.

h. An approach to the dwelling located upon the west side of and adjacent to the tracks shall be constructed as shown upon the plan or as may be subsequently decided upon by this Commission.

i. The clearance of the lowest point of the bridge from the top of the rails shall be not less than 16 feet. A temporary crossing at grade for the accommodation of the public shall be provided during the construction of this overgrade crossing.

Whereas, The elimination of this crossing with the railroad tracks as they now exist could be satisfactorily accomplished with a bridge 35 feet long over all, but at the request of The New York Central and Hudson River Railroad Company and for its purposes the bridge ordered and directed is of a length of about 59 feet over all, it is

Ordered: 3. That this elimination is ordered upon the hereby expressed condition that said Railroad company shall pay the entire cost of the additional length of the bridge and paving thereon without any credit to it on account of other work which may be saved by the additional length of said bridge, this Commission having required said company to and said company having filed with this Commission a stipulation to said effect.

[Case No. 1664]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of CLARENCE B. CUTLER *against* THE ALBANY SOUTHERN RAILROAD COMPANY as to the dangerous condition at a grade crossing of said railroad company's tracks at its Schodack Center station, Rensselaer county.

After due deliberation it is

Ordered: That the complaint of Clarence B. Cutler against the Albany Southern Railroad Company, as to the dangerous condition at a grade crossing of said railroad company's tracks at its Schodack Center station, Rensselaer county, be and hereby is closed upon the records of this Commission, complainant having advised under date of July 20, 1910, that crossing is now in a satisfactory condition.

[Case No. 102]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22d day of August, 1910.

Present:
FRANK W. STEVENS, Chairman.
JAMES E. SAGUE.
JOHN N. CARLISLE.
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 of the Railroad Law (now section 91) as to the elimination of grade crossings of its railroad in the village of Ossining. Revision.

After due deliberation it is

Ordered: That the order of the Commission dated June 17, 1909, in the matter of the petition of The New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law (now section 91) for the elimination of certain grade crossings of its railroad in the village of Ossining, and the supplemental order dated February 15, 1910, be and hereby are revised in so far as the grades on the new street west of the tracks between the approach to the Secor Road crossing and the Broadway crossing, and the grades on either side of the Broadway crossing, and the grade of the highway leading to the Northern Westchester Lighting Company's property, as follows:

"The easterly approach shall ascend on a 10 per cent grade westerly from Water street for a distance of about 187 feet to a point on the bridge over the tracks. From this point to the angle in the street the span over the tracks for a distance of about 67 feet shall be crowned 3 inches. The intersection of the westerly approach with the bridge shall be level. The westerly approach shall descend southerly on an 8 per cent grade for a distance of about 240 feet, thence level for about 25 feet, and thence descend southerly on a 0.296 per cent grade for a distance of about 243 feet; thence ascend on a 0.577 per cent grade for a distance of about 293 feet; thence

level for a distance of about 310 feet; thence descend on a 1.83 per cent grade for a distance of about 76 feet; thence descend on a 0.3 per cent grade for a distance of about 100 feet to the foot of the westerly approach to the Secor Road bridge. The road to the lands of the Northern Westchester Lighting Company shall descend from the level spot at the foot of the west approach on a 1.02 per cent grade for a distance of about 165 feet to elevation 4 at an angle in said roadway, thence level to the property of the Northern Westchester Lighting Company under the approach to the overhead crossing."

[Case No. 1289]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of WM. A. REITZ as sole highway commissioner and acting town superintendent of highways of the Town of Cambria, Niagara county, *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to the Lerch Road highway in said town crossing said company's railroad on an overhead bridge.

Whereas, In the above entitled matter complaint has been received and filed and an answer duly interposed by the respondent; and

Whereas, Both parties have agreed upon a plan to eliminate the cause of the complaint, said plan having been received by this Commission July 30, 1910, and now on file with the papers herein; now therefore, after hearing and due deliberation, it is

Ordered: That changes be made and a crossing be constructed in the manner set forth in said plan at the expense of The New York Central and Hudson River Railroad Company.

[Case No. 1726]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition of the WESTERN NEW YORK AND PENNSYLVANIA RAILWAY COMPANY, lessor, and THE PENNSYLVANIA RAILROAD COMPANY, lessee, under section 53 of the Public Service Commissions Law and section 89 of the Railroad Law.

Whereas, The petition filed and the evidence taken at a hearing in the above entitled matter held on the 22nd day of July, 1910, show that the line of railroad owned and operated by the petitioners in the town of Ischua, Cattaraugus county, N. Y., crosses a certain highway at grade a short distance south of the village of Ischua, said highway being known as Dutch Hill Road; and

Whereas, It further appears by the said petition, the evidence taken at the hearing, and the map on file with and made a part of the petition in the case, that certain improvements, alterations, and changes in the location of the petitioners' main track are desired at the point where said track now crosses the public highway known as Dutch Hill Road, and that a change in the location of the highway in question is also required for public convenience and necessity; now therefore it is

Ordered: 1. That the consent of this Commission be and hereby is given to the petitioners to build, construct, maintain, and operate a track to be used as a main track, commencing at a point about 910 feet south of the crossing of its present main track with Dutch Hill Road, and proceeding to the left in a northerly direction on approximately a 2 degree curve. And

Whereas, It further appears that the petitioners propose to dedicate certain lands to the town of Ischua for the purpose of changing the location of Dutch Hill Road, it is

Ordered: 2. That the determination of this Commission with reference to the proposed crossing of the railroad and highway, both to be re-located as above described, be and hereby is as follows: that the grade of said highway at the point where it shall cross the said new main track of the petitioners be separated from said main track, and that the highway be carried over the track upon a viaduct, pursuant to the plans and specifications filed with the petition herein, the grade of the approaches to be 7 per cent and 3 per cent respectively on the east and west sides of the viaduct, and the entire construction to be in general accordance with the terms and specifications of a certain resolution passed by the town board and the town superintendent of highways of the Town of Ischua on the 7th day of June, 1910, a copy of which is annexed to and made a part of the petition herein; the construction of said viaduct, approaches, and highway to be made at the expense of the petitioners. And

Whereas, It is proposed to use a portion of the present main line track in the town of Ischua temporarily as a switch connection and siding for the convenience of certain property, which siding will cross at Dutch Hill Road as proposed to be re-located, it is

Ordered: 3. That said siding may be abandoned and removed and the grade crossing caused thereby eliminated at such time as the petitioners desire and the convenience of the property owner in question permits, but not later than January 1, 1912.

[Case No. 156]

State of New York.
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of August, 1910.

Present:
Frank W. Stevens, Chairman,
James E. Sague,
John N. Carlisle,
Commissioners.

In the matter of the Petition of The New York Central and Hudson River Railroad Company under section 62 (now section 91) of the Railroad Law for the elimination of grade crossings over the New York and Harlem railroad in the village of White Plains.

Modification.

After due deliberation it is

Ordered: That the recommendation made by The New York Central and Hudson River Railroad Company, as contained in a letter from Mr. George A. Harwood under date of August 22, 1910, for a modification in the proposed construction of the Railroad Avenue undercrossing in the village of

White Plains, the modification being a change in the track profile along Railroad avenue, by continuing the proposed 0.5 per cent grade on the south side north to an intersection with a continuation of the proposed 0.3241 per cent grade on the north side of the bridge, and connecting them with a vertical curve over the bridge, such modification permitting an available floor depth of 2 feet 6 inches in the superstructure instead of 2 feet 0 inches, and representing a saving of between $3000 and $4000 in the cost of the improvement, be and is hereby approved.

[Case No. 930]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the TOWN OF BATH, Steuben county, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY and ERIE RAILROAD COMPANY relative to crossing at Morgan's Bridge.

After due deliberation it is

Ordered: That the matter of the complaint of the Town of Bath against The Delaware, Lackawanna and Western Railroad Company and Erie Railroad Company relative to crossing at Morgan's Bridge be and the same hereby is closed upon the records of this Commission, it appearing by letters from William Cuffney, town clerk of the Town of Bath, and George W. Peck, supervisor of the Town of Bath, dated August 30 and received by this Commission August 31, 1910, that satisfactory arrangements have been made with the companies in question and that the further attention of this Commission will not be required in the matter at the present time.

[Case No. 1052]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of MONROE H. WRIGHT, county superintendent of highways, Sullivan county, and WILLIS HENDRICKS, town superintendent of highways of the Town of Fallsburgh, Sullivan county, *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY for insufficient protection at grade crossings in the village of Mountaindale, Centreville station, Fallsburgh, and Luzon.

After hearing and due deliberation in the above entitled matter it is

Ordered: That the New York, Ontario and Western Railway Company be and it hereby is directed and required (1) to install an electric bell, on or before the 1st day of November, 1910, at the present grade crossing of said company's railroad with the highway at a point approximately 100 feet

south of its Mountaindale station; (2) to station a flagman at the aforesaid crossing June 1, 1911, said flagman to be on duty at the crossing at all times between the hours of 6.45 a. m. and 7.30 p. m. to and including the 1st day of October, 1911, and between those dates of each and every year thereafter until further directed by this Commission; (3) to station a flagman at the grade crossing of said company's railroad with the highway approximately 400 feet north of its Fallsburgh station in the town of Fallsburgh, said flagman to be on duty at all times between the hours of 6.45 a. m. and 7.30 p. m. on each and every day of the year from the 1st day of October, 1910, and continuing until further directed by this Commission; (4) to station a flagman at the grade crossing of said company's railroad with the highway approximately 200 feet south of its Luzon station in the town of Fallsburgh, between the hours of 6.45 a. m. and 7.30 p. m. each and every day of the year from the 1st day of October, 1910, and until further directed by this Commission; (5) to station a flagman at the grade crossing of said company's railroad with the highway approximately 150 feet north of its Centreville station in the town of Fallsburgh, between the hours of 6:45 a. m. and 7.30 p. m., commencing June 1, 1911, and continuing to and including October 1, 1911, and for the same period of time of each and every year thereafter until further directed by this Commission.

It is further Ordered: That the New York, Ontario and Western Railway Company be and it hereby is directed to notify this Commission on or before the 1st day of October, 1910, whether or not the terms and conditions of this order are accepted and will be obeyed.

[Case No. 1671]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, THE WESTCHESTER ELECTRIC RAILROAD COMPANY, and J. ADDISON YOUNG AS RECEIVER OF THE WESTCHESTER ELECTRIC RAILROAD COMPANY, for an order under section 98 of the Railroad Law as to the manner of crossing the tracks of The New York Central and Hudson River Railroad Company by the tracks of the Westchester Electric Railroad Company at Main street, Tuckahoe, N. Y.

After due hearing and deliberation

Ordered: That the determination of this Commission be and hereby is declared as follows: The Westchester Electric Railroad Company may construct, maintain, and operate its single-track street railroad upon the bridge now being constructed by The New York Central and Hudson River Railroad Company to carry Main street in the town of Eastchester across said railroad company's right of way near the Tuckahoe station; that the construction, maintenance, and operation of said single-track street railroad across the aforesaid bridge and over the tracks of The New York Central and Hudson River Railroad Company shall be in accordance with the terms and specifications of a certain agreement dated April 7, 1910, made and entered into by and between the petitioners herein, a duplicate original of which is annexed to and made a part of the application.

[Case No. 1726]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition of the WESTERN NEW YORK AND PENNSYLVANIA RAILWAY COMPANY, lessor, and THE PENNSYLVANIA RAILROAD COMPANY, lessee, under section 53 of the Public Service Commissions Law and section 89 of the Railroad Law.

Amended order.

After due deliberation it is

Ordered: That the order entered August 22, 1910, in the matter of the joint petition of the Western New York and Pennsylvania Railway Company, lessor, and The Pennsylvania Railroad Company, lessee, be and hereby is amended in paragraph 1 by striking out the words "a track to be used as a main track" after the word "operate," and inserting in lieu thereof the words "two tracks to be used as main tracks".

[Case No. 1337]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 62 of the Railroad Law (now section 91 of the Railroad Law) as to state highway route 7, section 8, at Slingerland, in the town of Bethlehem, Albany county, crossing underneath the railroad operated by The Delaware and Hudson Company.

An application dated November 22, 1909, under former section 62 of the Railroad Law (now section 91 of the Railroad Law), asking for the elimination of a highway grade crossing of The Delaware and Hudson Company's railroad by state road known as route 7, section 8, near the Slingerland station of said company's railroad in the town of Bethlehem, Albany county, having been filed with this Commission by the State Commission of Highways on November 24, 1909, upon which petition, after due notice to all interested parties as required by statute, hearings were given by this Commission on April 4, 1910, and April 19, 1910; and it appearing from the evidence submitted that public safety requires the elimination of said grade crossing, it is

Ordered: That the petition be and hereby is granted, and under section 91 of the Railroad Law it is ordered that the present grade crossing of The Delaware and Hudson Company's railroad by the state road known as route

7, section 8, in the town of Bethlehem, a short distance northwest of the Slingerland station, shall be closed and discontinued and the highway shall be carried under the grade of the railroad by means of an undergrade crossing and approaches constructed according to the following specifications:

(*a*) The center line of the undergrade crossing and its approaches is to coincide with the center line of the existing highway as laid out by the State Highway Commission.

(*b*) The westerly approach grade in the roadway is to descend toward the subway at the rate of 6 per cent; the easterly approach grade in the roadway is to ascend from the subway at the rate of 5 per cent.

(*c*) The surface of the highway in the subway is to be level, with sufficient fall in the side ditches to lead surface water to catch-basins hereafter specified.

(*d*) The width of the subway and its approaches shall be about 36 feet, of which 22 feet shall be in the roadway and 14 feet in two 7-foot wide sidewalks, one on each side of the roadway; the intent being to provide two sidewalks at least 5 feet wide in the clear in the subway.

(*e*) The superstructure carrying the three existing railroad tracks (two main line tracks and one siding) shall be in three spans resting upon masonry abutments and supporting columns placed on piers at the curb lines. It shall be of through plate girder construction, with solid I-beam and plate floor, the outside girders being spaced 42 feet apart center to center of webs.

(*f*) The clear headroom over the roadway surface shall be not less than 12½ feet. The clear headroom over the sidewalk surfaces shall be at least 8 feet.

(*g*) The sidewalk in the subway shall be level, and this level grade shall be continued to the points of intersection of the sidewalk and roadway surfaces, from which points the sidewalks are to be on the same grades as the roadway. Retaining walls shall be built with faces on the curb lines to such points at which the difference in elevation between sidewalk and gutter surfaces is 1 foot.

(*h*) Substantial railings are to be provided between the columns of the superstructure and on the curb walls for their entire length.

(*i*) The sidewalks in the subway shall be of concrete, of the entire width between abutments and curb walls. On the approaches they shall be of concrete, 4 feet wide, and placed in the center of the sidewalk strips. The balance of the sidewalk strips shall be sodded. The approach sidewalks are to extend to points opposite the beginning of the approach grades.

(*j*) An approach 25 feet wide between bottom of slope lines shall be constructed from the westerly approach and connecting with an existing highway paralleling the railroad on the west side of the tracks.

(*k*) Suitable approaches as may be hereafter determined shall be constructed to the Home Lawn hotel, to an existing private road paralleling the railroad on its east side; to the printing works, and to a road running approximately along the boundary line of the property of Mrs. E. S. Coughtry. The private driveway of Mrs. Coughtry shall also be graded to accommodate the changed highway surfaces, in such a manner as may hereafter be determined.

(*l*) Four catch-basins are to be provided within the limits of the subway. The main drainage pipe shall be 18 inches in diameter, with a minimum fall of 0.4 foot per 100 feet. Manholes shall be provided at all bends, and in no case more than 400 feet apart.

(*m*) Since this highway is to be improved as a state road, no part of the cost of the additional excavation necessary to reach subgrade of the pavement and of the cost of constructing the macadam pavement, paved ditches, etc., outside of the right of way lines of the railroad, shall be borne by The Delaware and Hudson Company.

It is further Ordered: That The Delaware and Hudson Company be and hereby is directed to submit to this Commission detail plans in line with the specifications herein contained on or before December 1, 1910.

[Case No. 1338]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 62 of the Railroad Law (now section 91 of the Railroad Law) as to state highway route 6, section 4, in the town of Glenville, Schenectady county, crossing underneath the Boston and Maine railroad.

An application dated November 22, 1909, under former section 62 of the Railroad Law (now section 91 of the Railroad Law), asking for the elimination of a highway grade crossing of the Boston and Maine Railroad by state road known as route 6, section 4, in the town of Glenville, Schenectady county, having been filed with this Commission by the State Commission of Highways on November 24, 1909, upon which petition, after due notice to all interested parties as required by statute, hearings were given by this Commission on April 4, 1910, August 22, 1910, and September 12, 1910; and it appearing from the evidence submitted that public safety requires the elimination of said grade crossing, it is

Ordered: That the petition be and hereby is granted, and under section 91 of the Railroad Law it is ordered that the present grade crossing of the Boston and Maine Railroad by state road known as route 6, section 4, in the town of Glenville, Schenectady county, shall be closed and discontinued, and the highway shall be carried under the grade of the railroad by means of an undergrade crossing and approaches thereto constructed according to the following specifications:

(*a*) The new undergrade crossing shall be located with its center line at a point 130 feet west of the center line of the existing crossing.

(*b*) The center line of the undergrade crossing shall intersect the tracks of the railroad company at an angle of 45 degrees.

(*c*) The distance between the abutments of the railroad bridge shall be 28 feet between the neat lines.

(*d*) The minimum clear headroom at any portion of the undergrade crossing shall be 13 feet.

(*e*) The approach to this undergrade crossing shall begin at a point in the existing highway about 795 feet from the existing crossing, curving thence to the left with center line on a radius of 700 feet to the west a distance of about 355 feet, proceeding thence on a tangent to said curve a distance of about 40 feet; thence curving to the right with center line on a radius of 700 feet a distance of 500 feet; thence on a tangent about 65 feet long through the subway; thence curving to the left with center line on a radius of 700 feet to a junction with the existing highway, said junction being approximately 410 feet north of the existing crossing.

(*f*) Beginning on the southerly end of the southerly approach the grades on the new highway shall be as follows: 0 per cent a distance of 210 feet; vertical curve a distance of 40 feet, descending 5 per cent a distance of 400 feet; vertical curve a distance of 40 feet, descending 1 per cent 195 feet; 0 per cent a distance of 40 feet, ascending 1 per cent a distance of 60 feet; vertical curve a distance of 40 feet, ascending 5 per cent a distance of 195 feet; vertical curve 40 feet long to a junction with the existing highway surface on the north approach.

(*g*) The approaches shall at all points be 34 feet wide between the outside edges of ditches and shall conform to the typical section shown upon the standard structure sheet of the State Highway Commission.

(*h*) Two catch-basins shall be provided in the subway, connected with an 18-inch castiron pipe. Said catch-basins to be further connected to an outlet ditch properly paved to such point as may be considered necessary by the Highway Commission.

(*i*) The gutters in the subway are to be paved.

(*j*) The bridge carrying the railroad shall be of through plate girder construction and have a solid floor.

(*k*) The right of way for the highway approaches necessary to be acquired shall be at least 60 feet in width and at no point shall the top or toe of slopes come nearer than 5 feet to either right of way line.

(*l*) The existing grade crossing shall be left open for the accommodation of the public until the completion of the new undergrade crossing and its approaches.

(*m*) The location of the new undergrade crossing and its approaches, together with the grades, are to be as shown on a blue-print general plan on file with this case with this Commission and marked as follows: "B. & M. R. R. Fitchburg Div. Main line, proposed elimination of grade crossing at Wiatts Road. Scotia, N. Y." said plan being marked for further identification "Exhibit A".

[Case No. 1636]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 62 of the Railroad Law (now section 91 of the Railroad Law) as to state highway route No. 16, section 2, crossing Buffalo, Rochester and Pittsburgh railway in the town of Wheatland, Monroe county.

Whereas, This Commission has on the 29th day of April, 1910, made an order granting the application of the State Commission of Highways for the elimination of a grade crossing of the Buffalo, Rochester and Pittsburgh railway by a state road known as route 16, section two, in the town of Wheatland, Monroe county; and

Whereas, By said order the Buffalo, Rochester and Pittsburgh Railway Company was directed to prepare and submit to this Commission for approval on or before the 1st day of June, 1910, plans, specifications, and estimates of costs for carrying said state highway under the railroad tracks at the point in question; and

Whereas, Such plans, specifications, and an estimate of the expense have been submitted by the Buffalo, Rochester and Pittsburgh Railway Company, it is

Ordered: That the plans, except in so far as may be hereinafter specified, be and hereby are approved, and that the undergrade crossing and its approaches shall be constructed according to the following specifications:

(*a*) The center line of the undergrade crossing and its approaches is to coincide with the center line of the existing highway, as laid out by the State Highway Commission.

(*b*) The westerly approach grade in the roadway is to descend toward the subway at the rate of 3.124 per cent; the easterly approach grade in the roadway is to ascend from the subway at the rate of 2.791 per cent.

(*c*) A vertical curve joining the easterly and westerly approach grades is to be constructed in the roadway at the crossing.

(*d*) The width of the subway shall be 36 feet 7⅛ inches measured between undercoping lines. The approaches are to be constructed according to the standards of the State Highway Commission, and are to be 35 feet 6 inches wide from outside to the outside of the paving in gutters.

(*e*) Drainage shall be provided by means of two catch-basins and a vitrified tile pipe constructed to a farm ditch north of the railroad track, said pipe to be not less than 12 inches in diameter, manholes being provided at all turns and in no case more than 350 feet apart.

(*f*) The superstructure carrying the existing single track of the railroad shall be in one span resting upon masonry abutments; it shall be of through plate girder construction with solid floor, designed to carry a loading equivalent to Coopers E–60.

(*g*) The clear headroom over the roadway surface shall not be less than 13 feet.

(*h*) The foregoing features are embodied in and the work shall be carried on according to general and detail plans on file with this case in this office in three sheets, marked "B., R. & P. Ry., Rochester Division near Garbutt, N. Y. General layout plan and profiles of grade crossing elimination at Cox Road": all of the sheets being dated May 30, 1910; two of them being revised August 11, 1910.

[Case No. 889]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the GREENWICH AND JOHNSONVILLE RAILWAY COMPANY under section 60 of the Railroad Law as to a branch of its railroad crossing streets and highways in the village of Greenwich and the towns of Easton, Jackson, and Salem, county of Washington: and in the matter of the application of the Greenwich and Johnsonville Railway Company for a modification of the determination of the former Board of Railroad Commissioners as to said company's railway crossing the Cambridge-Salem turnpike in the town of Salem, N. Y., and for an alteration in the manner of crossing said highway.

Whereas, By an order of the Board of Railroad Commissioners of the State of New York made on the 17th day of October, 1906, in the proceeding first above mentioned, the Greenwich and Johnsonville Railway Company was ordered under section 60 of the Railroad Law (under an application made by the said Greenwich and Johnsonville Railway Company to determine the manner in which its single-track railroad proposed to be constructed from the village of Greenwich to the town of Salem, in Washington county, should cross certain streets and highways in the town of Salem, in Washington county) to cross the highway known as the Cambridge-Salem Turnpike in the following manner: to wit, "19. The highway known as the Cambridge-Salem Turnpike. The highway shall be carried over the railroad on a steel bridge 20 ft. wide between guard-rails with a clearance of 21 ft.

above the top of rail of the railroad. The bridge shall have a wooden floor and the roadbed of the approaches to the bridge shall be 25 ft. wide and shall have guard-rails. The grades on the approaches to the bridge shall be no greater than those to the highway at present. The railroad track may cross this highway at grade temporarily for construction purposes"; and

Whereas, Said order was duly entered and served upon the Greenwich and Johnsonville Railway Company; and

Whereas, Said Greenwich and Johnsonville Railway Company did thereafter present a petition to this Commission dated the 27th day of April, 1909, in which said petition the order above referred to was set out and the proceedings had thereunder, and in which said petition it was stated that no construction had at that time been begun of the overhead crossing No. 19 above referred to; and

Whereas, Said petition further prayed a modification of the determination of the former Board of Railroad Commissioners to the end that crossing No. 19 mentioned therein be closed and discontinued and a diversion of the travel thereon be made to crossing No. 20, known as the Rexleigh-Salem Highway, and that a crossing be established at grade at that point; and

Whereas, A hearing was held upon said last named application and testimony taken thereon; and

Whereas, Thereafter, and on the 25th day of May, 1910, the Greenwich and Johnsonville Railway Company, by Herbert VanKirk, its attorney, authorized to make the application, asked leave to withdraw its petition verified April 27, 1909, in the last above entitled matter, and stated in said last named petition as follows: "Your petitioner further states that this application to withdraw is made in good faith and for the purpose of immediately proceeding to construct the overhead crossing at said crossing No. 19 on the Salem branch according to the said determination of the Board of Railroad Commissioners of the State of New York, dated the 17th day of October, 1906, without modification"; and

Whereas, In pursuance of said petition an order of the Public Service Commission was made on the 27th day of May, 1910, which reads as follows: "Whereas, the petition herein filed on the 28th day of April, 1909, asked that the determination of the former Board of Railroad Commissioners of the State of New York, made on the 17th day of October, 1906, be modified in the respects named in said petition; and whereas, since the hearing herein the petitioner has filed with this Commission on the 26th day of May, 1910, its withdrawal of the original petition herein, and stated that it is the intention of the petitioner immediately to proceed to construct the overcrossing at crossing No. 19 on the Salem branch, according to the determination of the Board of Railroad Commissioners dated October 17, 1906, above referred to, and without any modification therein; Ordered, that permission be and hereby is given to the petitioner to withdraw its original petition herein, and that this proceeding be and hereby is discontinued and closed on the records of this Commission. By the Commission. (signed) J. S. Kennedy, Secretary"; and

Whereas, Said order last named was duly promulgated and served upon the Greenwich and Johnsonville Railway Company under date of June 17, 1910; and

Whereas, On the 27th day of September, 1910, the Commission is in receipt of a letter from the town clerk of the Town of Salem, N. Y., dated September 24, 1910, which reads as follows:

"Salem, Washington Co., N. Y., Sept. 24th, 1910. Public Service Commission, 2nd Dist. Dear Sirs: We received from you on June 17, 1910, in regard to case No. 889 in the matter of the construction of an overhead crossing at crossing No. 19 by the Greenwich and Johnsonville R. R. Co. that said company would begin at once to construct the above crossing. At a meeting of the Town Board of Salem, N. Y., held Sept. 23rd, 1910, the following was adopted: Moved, That the Clerk of this Board be instructed to write to the Public Service Commission and report to them that nothing has been done

at the overhead crossing of the G. & J. R. R. Co. Yours truly, (signed) F. W. Toleman, Clerk, Town of Salem, N. Y."; and

Whereas, The information set forth in said communication from the town clerk of the Town of Salem is confirmed by a letter from Herbert VanKirk, attorney for the petitioner herein, dated September 30, 1910, which states that no work has as yet been begun upon the crossing No. 19 in question: now therefore

Ordered: That the Greenwich and Johnsonville Railway Company be and it is hereby directed to begin forthwith the construction of the overhead crossing No. 19 over the Cambridge-Salem Turnpike, as set forth and ordered in the determination and order of the former Board of Railroad Commissioners of the State of New York dated the 17th day of October, 1906.

Further Ordered: That said Greenwich and Johnsonville Railway Company shall notify this Commission on or before the 15th day of October, 1910, whether this order has been accepted and will be obeyed.

[Case No. 1739]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to state highway route 8, section 13, in the town of North Norwich, Chenango county, crossing the New York, Ontario and Western railway and the railroad operated by The Delaware, Lackawanna and Western Railroad Company.

An application dated June 30, 1910, under section 91 of the Railroad Law, asking for the elimination of a highway grade crossing of the New York, Ontario and Western railway and the Delaware, Lackawanna and Western railroad by state road known as route 8, section 13, in the town of North Norwich, Chenango county, having been filed with this Commission by the State Commission of Highways on July 7, 1910, upon which petition, after due notice to all interested parties as required by statute, a hearing was given by this Commission on September 8, 1910; and it appearing from the evidence submitted that public safety requires the elimination of said grade crossing, it is

Ordered: That the petition be and hereby is granted, and under section 91 of the Railroad Law it is ordered that the present grade crossing of the New York, Ontario and Western railway and the Delaware, Lackawanna and Western railroad by state road known as route 8, section 13, in the town of North Norwich, Chenango county, shall be closed and discontinued, and the highway shall be carried over the grade of the railroads by means of an overgrade crossing and approaches thereto constructed according to the following specifications:

(*a*) The center line of the overgrade crossing and its approaches are to coincide with the center line of the county highway as laid out by the Commission of Highways.

(*b*) The westerly approach grade shall ascend toward the overgrade crossing at the rate of 6 per cent. The easterly approach grade shall ascend toward the overgrade crossing at the rate of 6 per cent.

(*c*) Both approaches are to be constructed of earth embankments, said embankments to be constructed to a width of 24 feet on top, and in accordance with the standard cross-section adopted by the Commission of Highways.

(*d*) The superstructure shall be in two spans resting upon masonry abutments and on a pier located upon or near the right of way lines between the two railroads.

(*e*) The axis of the bridge shall be placed at an angle of 36 degrees 31 minutes and 45 seconds with the alignment of the railroad tracks.

(*f*) The total length of the superstructure shall be about 163 feet 4 inches.

(*g*) The bridge shall have a solid floor, paved either with brick, bituminous macadam, wood blocks, or as may be specified by the Highway Commission.

(*h*) Substantial timber railings shall be erected on each side of both approaches throughout the length of the improvement.

(*i*) The approaches are to be paved under the direction of the Highway Commission, but no portion of such pavement exterior to the right of way lines of the railroad companies shall be chargeable against the railroad companies.

(*j*) The clear headroom above the railroad shall in no case be less than 22 feet.

(*k*) A temporary crossing for the accommodation of the public during the construction of this overgrade crossing shall be maintained by the railroad companies.

(*l*) This proposed elimination shall be effected in accordance with the blue-print general plan on file with this case in this office and entitled "N. Y., O. & W. Ry. proposed elimination of grade crossing one-half mile south of Gelena, town of North Norwich, county of Chenango, lay-out and profile office Engr. of W., Middletown, N. Y., Jan. 5, 1909." Said general plan being approved as per amendments shown in red ink by the State Highway Commission through its Secretary on September 13, 1910.

[Case No. 1887]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, the NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, and the ROME AND CLINTON RAILROAD COMPANY, for an order changing and amending an order of this Commission heretofore entered on the 21st day of June, 1910, concerning a cut-off, branches, and connections in the city of Rome, Oneida county, N. Y.

Whereas, By an order dated June 21, 1910, this Commission did authorize the construction, maintenance, and operation, under section 53 of the Public Service Commissions Law, of a cut-off, together with all branches and connections appurtenant thereto, through the city of Rome, N. Y., in accordance with the terms and specifications of plans and profiles annexed to and made a part of the petition in the case (Case 1887) marked Exhibit 1, which said plans and specifications made due provision for the separation of the grades of the tracks of the New York, Ontario and Western Railway Company and

the tracks of The New York Central and Hudson River Railroad Company in the said city of Rome, Oneida county, N. Y., by carrying the tracks of the said New York, Ontario and Western Railway Company under the tracks of The New York Central and Hudson River Railroad Company with a minimum clearance of 20 ft. 6 in.; and

Whereas, The petition of The New York Central and Hudson River Railroad Company, the New York, Ontario and Western Railway Company, and the Rome and Clinton Railroad Company, and the testimony produced at the hearing herein held on the 4th day of October, 1910, indicate that it is the desire of the companies above named that the said clearance shall be 17 ft. instead of 20 ft. 6 in., and this change being satisfactory to the Advisory Canal Board; now therefore, after due deliberation, it is

Ordered: 1. That in accordance with the provisions of this Commission's order entered on the 21st day of June, 1910, the crossing of the New York, Ontario and Western Railway Company's tracks by the tracks of The New York Central and Hudson River Railroad Company shall be made with a clearance of 17 ft. from the top of the rail of the New York, Ontario and Western Railway Company's tracks to the lowest member of the bridge carrying the tracks of The New York Central and Hudson River Railroad Company, in accordance with the plans and specifications for such construction annexed to and made a part of the petition herein.

Ordered: 2. That the New York, Ontario and Western Railway Company be and it hereby is directed to enact and enforce a rule and regulation forbidding and prohibiting all brakemen, trainmen, or other members of train crews to remain upon the tops of cars while passing beneath the said bridge of The New York Central and Hudson River Railroad Company over the tracks of the New York, Ontario and Western Railway Company in the said city of Rome, N. Y.

Ordered: 3. That the New York, Ontario and Western Railway Company be and it hereby is directed and required to construct, erect, and maintain at appropriate distances from the said bridge, and on both sides thereof, a double set of bridge-ticklers, the said bridge-ticklers on each side of said bridge to be at least 50 ft. apart.

Ordered: 4. That the New York, Ontario and Western Railway Company be and it is hereby directed to advise this Commission on or before the 1st day of November, 1910, whether or not the terms and conditions of this order in reference to the proposed rule and regulation to be enacted, and in reference to the construction of the above mentioned bridge-ticklers, are accepted and will be obeyed.

[Case No. 1799]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY for permission to discontinue highways at St. Elmo station in the town of Shawangunk, Ulster county, N. Y., under section 91 of the Railroad Law.

Whereas, It appears from the petition and the testimony produced at a public hearing held October 3, 1910, in the above entitled matter, that public

safety and convenience require the alteration of two highway grade crossings, one east and one west of St. Elmo station in the town of Shawangunk; and

Whereas, The plan and profile of the proposed changes which is annexed to and made a part of the petition herein contemplates the elimination of said crossings and the construction of a new crossing which will provide for the traffic which now passes over both crossings; it is

Ordered: That this Commission hereby determines that the said existing crossings shall be closed and discontinued, and that a new crossing shall be constructed, together with the approaches thereto, in accordance with the plans and specifications hereinbefore mentioned, as follows: (*a*) Beginning at a point on the center line of the highway known as the Plains Road, south of and distant about 370 feet from the center line of the railroad track, a new highway shall be constructed, the center line of which from the above described point is to run in a northeasterly direction a distance of about 575 feet, to a point distant about 37 feet measured in a southerly direction and at right angles to the center line of the main line track; (*b*) beginning at a point on the center line of the highway known as the Kings Hill Road, south of and distant about 185 feet from the center line of the main track, a new highway shall be constructed, the center line of which from the above described point is to run in a northwesterly direction a distance of about 258 feet, to a point distant about 37 feet measured in a southerly direction and at right angles from the center line of the main line track; (*c*) beginning at the intersection of the center lines of the Plains Road and Kings Hill Road, north of the railroad, a new highway shall be constructed, the center line of which from the above named point shall run in a southerly direction, crossing the railroad at a point about 170 feet west of the crossing of the center line of the existing Kings Hill Road crossing and about 255 feet east of the crossing of the center line of the Plains Road crossing, to a junction with the highways running from the Plains Road and the Kings Hill Road heretofore described; (*d*) the new highways shall have widths of 40 feet; (*e*) the new highways shall be paved with gravel or other material approved by the town board, to a width of at least 8 feet on each side of the center line, said pavement to be properly crowned, and drainage ditches are to be provided where necessary.

It is further Ordered: That the location, alignment, and construction of the highways and the location of the crossing shall be in accordance with the blue-print map on file with the case as hereinbefore stated.

It is further Ordered: That the existing crossings are to remain open until the completion of the new crossing and its approaches.

It is further Ordered: That the entire expense involved in the discontinuance and abandonment of the highways in question and the construction of the new crossing shall be borne by the petitioner, the Central New England Railway Company.

[Case No. 1808]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the TOWN BOARD OF THE TOWN OF HURLEY, Ulster county, *against* THE ULSTER AND DELAWARE RAILROAD COMPANY, asking that an electric bell be installed and operated at each of two crossings at grade of said company's railroad by the Ulster and Delaware plankroad, which crossings are near together and are situated about half mile easterly of the West Hurley station on said railroad.

Ordered: That the matter of the complaint of the town board of the Town of Hurley, Ulster county, against The Ulster and Delaware Railroad Company, asking that an electric bell be installed and operated at each of two crossings at grade of said company's railroad by the Ulster and Delaware plankroad, which crossings are near together and are situated about half a mile easterly of the West Hurley station on said railroad, be and the same is hereby closed upon the records of this Commission, it appearing by letter from James F. Loughran, county superintendent of highways, dated October 17, 1910, and received by this Commission October 18, 1910, that the crossings in question have been eliminated and that the source of the complaint has been thereby removed.

[Case No. 1837]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition of the Western New York and Pennsylvania Railway Company, lessor, and The Pennsylvania Railroad Company, lessee, under section 91 of the Railroad Law.

Whereas, The petition filed and the evidence taken at a hearing in the above entitled matter held on the 16th day of September, 1910, show that the railroad tracks owned and operated by the petitioners in the town of Hinsdale, Cattaraugus county, N. Y., cross at grade in two different places, short distances north of the station of The Pennsylvania Railroad Company in said town and near the mill owned by one Helen G. Farwell, a highway known as the "Back Road" to Hinsdale, and also cross the road known as the Dutch Hill Road at a point nearly in front of the mill property owned by said Helen G. Farwell; and it appearing further that connecting with the said "Back Road" to Hinsdale is a road leading from the hamlet known as Scott's Corners, in the town of Hinsdale, Cattaraugus county, N. Y., which

connecting road crosses over the mill dam just north of the grist mill owned by the said Helen G. Farwell; and

Whereas, It further appears by the said petition and the evidence taken at the hearing and the map on file with and made a part of the petition in the case, that certain improvements, alterations, and changes in the location of petitioners' main track are desired at the points where said track now crosses the said Dutch Hill Road and the said "Back Road" to Hinsdale, and that a change is desired in the location of said highways at or near the junction of said Scott's Corners road with the said "Back Road" to Hinsdale, in accordance with the map or plan attached to and made a part of the petition herein, and that such proposed change in location is required for public convenience and necessity; now therefore it is

Ordered: That the determination of this Commission with reference to the proposed crossing of the railroad and highway be and is as follows: That said sections of said public highway known as Dutch Hill Road running across the tracks of petitioners, and those sections of the said "Back Road" to Hinsdale crossing the said track, be changed and abandoned, and that a new highway be constructed as indicated in red on the plan attached to and made a part of the petition herein, and that the road leading from Scott's Corners, N. Y., to the said "Back Road" to Hinsdale be carried over the tracks of petitioners on a viaduct or overhead crossing in accordance with the said plans and specifications, the grade of the approaches to be 7 per cent and 3 per cent respectively, as indicated on said plans and specifications, and the entire construction to be in general accordance with the terms of a certain resolution passed by the town board and the town superintendent of highways of the Town of Hinsdale, Cattaraugus county, N. Y., on the 13th day of August, 1910, a copy of which is annexed to and made a part of the petition herein; the construction of said viaduct approaches and highways to be made at the expense of the petitioners. That petitioners submit to this Commission plans and specifications for the proposed viaduct and approaches for approval.

[Case No. 1910]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the VILLAGE BOARD OF NEW PALTZ, Ulster county, *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY (lessee Wallkill Valley railroad), asking that the crossing at grade, in the village of New Paltz, of the Wallkill Valley railroad and a highway running from said village to county highway No. 308 be protected by warning bell or other protection.

Ordered: That the matter of the Village Board of New Paltz, Ulster county, against The New York Central and Hudson River Railroad Company (lessee Wallkill Valley railroad), asking that the crossing at grade in the village of New Paltz of the Wallkill Valley railroad and a highway running from said village to county highway No. 308 be protected by warning bell or other protection, be and the same hereby is closed upon the records of this Commission, the complainants in the matter having agreed at a hearing held at New Paltz Thursday, October 13, 1910, to discontinuance of the proceeding.

[Case No. 907]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of J. E. SALSBURY of Cazenovia *against* LEHIGH VALLEY RAILROAD COMPANY, alleging dangerous condition of an arch carrying said railroad over a highway near Cazenovia.

Ordered: That the matter of the complaint of J. E. Salsbury of Cazenovia against Lehigh Valley Railroad Company, alleging dangerous condition of an arch carrying said railroad over a highway near Cazenovia, be and the same hereby is closed upon the records of this Commission, it appearing by letter from J. E. Salsbury dated October 30, 1910, received by this Commission November 1, 1910, that the work of reconstructing and repairing the arch in question has been completed in a satisfactory and workmanlike manner.

[Case No. 1863]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2d day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the TOWN OF BETHLEHEM by Garrett Winnie, town superintendent of highways, *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as lessee of the West Shore Railroad, as to repairing of floor and roadway of a highway bridge across the West Shore railroad at South Bethlehem in said town.

Ordered: That the matter of the complaint of the Town of Bethlehem by Garrett Winnie, town superintendent of highways, against The New York Central and Hudson River Railroad Company as lessee of the West Shore railroad, as to repairing of floor and roadway of a highway bridge across the West Shore Railroad at South Bethlehem in said town, be and the same hereby is closed upon the records of this Commission, it appearing by a letter received from Mr. Alexander S. Lyman, general attorney The New York Central and Hudson River Railroad Company, dated November 1, 1910, and received by this Commission November 2, 1910, that after investigation of the matter he has reached the conclusion that the obligation is upon the respondent to make repairs to the flooring and that he has accordingly notified the engineering department.

[Case No. 656]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition and Supplemental Petition of the TOWN BOARD OF THE TOWN OF RAMAPO, Rockland county, under section 62, now section 91, of the Railroad Law, as to the closing and discontinuance of two grade crossings of the Erie railroad, and the construction of an overhead highway bridge crossing of said railroad.

A petition and supplemental petition by the town board of the Town of Ramapo, Rockland county, under section 62, now section 91, of the Railroad Law, being filed with this Commission, alleging that public safety requires that two highway grade crossings of the Erie railroad which are the crossings next north of the crossing at the Sloatsburg passenger station of said Railroad company, shall be closed and discontinued, and that the travel thereon shall be diverted therefrom by the construction of an overhead highway bridge crossing said railroad between the present grade crossings; and a public hearing on said petition having been held by Commissioner Sague of this Commission at Sloatsburg November 7, 1910, at which Frank S. Harris, supervisor, and other members of the town board, and William W. Bird, town superintendent of highways, appeared for said Town, and T. H. Burgess appeared for the Erie Railroad Company, and at which witnesses were heard in relation to danger at said grade crossings and in relation to the overhead bridge crossing proposed to be constructed; and it appearing to this Commission from the evidence that public safety requires that said grade crossings should be closed and discontinued and an overhead bridge crossing of the railroad should be constructed; therefore it is

Ordered: That this Commission hereby determines, under section 91 of the Railroad Law, that the said two highway grade crossings of the Erie railroad which are the crossings next north of the crossing at the passenger station of said Railroad company in Sloatsburg, town of Ramapo, Rockland county, shall be closed and discontinued, and that the travel thereon shall be diverted therefrom by the construction of an overhead highway bridge crossing of said railroad with approaches, which overhead crossing shall be located at a point about 255 feet south of the northernmost crossing to be closed, and which overhead bridge crossing and approaches this Commission hereby determines shall be constructed.

It is further Ordered: That said overhead bridge crossing and approaches shall be constructed substantially as shown on a blue-print plan filed with this Commission in this matter and marked "Public Service Commission, Second District, Nov. 7, 1910, Applicant's Ex. No. 4"; a general description of the work to be done as shown by said plan being as follows: The said overhead bridge shall have a clearance from base of rail of the railroad of 22 feet; the roadway on said bridge shall be level to the east approach to the bridge and thence descend at a grade of 6.58 per cent to a point at the west end of an existing highway bridge over the Ramapo river; the highway running in front of the schoolhouse shall be connected with this approach by a level roadway, and a sidewalk 5 feet in width shall be provided from the approach toward the schoolhouse. The superstructure shall be in two spans of through plate girder construction, 69 feet and 20 feet long, supported at the extreme ends by masonry abutments and at the inter-

mediate point by a metal bent supported on piers. The width of the roadway on this bridge shall be 16 feet between wheelguards, and a sidewalk 5 feet wide in the clear shall be provided on the south side of the structure, which shall have a solid concrete and metal floor. At the west end of the bridge the roadway shall be so constructed as to make the turns to the bridge as easy as possible. Substantial railings of design to be hereafter approved shall be constructed on the approaches wherever required. All roadways within the limits of the work shall be paved with gravel to a depth of at least 4 inches after rolling, and the slopes of the easterly approach shall be sodded or planted with shrubbery to prevent wash, to as great an extent as possible.

It is further Ordered: That the estimated cost of said work, namely $20,500, is hereby approved, and that the State's share of said cost, now estimated at $5125, is hereby appropriated from the funds available for that purpose.

[Case No. 1778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition of the TOWN BOARDS OF HEMPSTEAD AND NORTH HEMPSTEAD, Nassau county, under section 91 of the Railroad Law, as to changing the grade crossing of the Long Island railroad by a highway known as John Street, Nassau Boulevard, or Old Court House Road, which crossing is in the Garden City Estates, from grade to an undercrossing.

A joint petition under former section 62 of the Railroad Law, asking for the elimination of the grade crossing of the Long Island railroad by a highway known as John Street, Nassau Boulevard, or Old Court House Road, in the town of Hempstead, Nassau county, having been filed with this Commission by the Towns of Hempstead and North Hempstead, upon which petition, after due notice to all interested parties as required by the statute, a hearing was given by this Commission November 4, 1910; and it appearing from the evidence submitted that public safety requires the elimination of said grade crossing, it is

Ordered: That the petition be and hereby is granted, and under section 91 of the Railroad Law it is ordered that the present two track grade crossing of the Long Island railroad by a highway known as John Street, Nassau Boulevard, or Old Court House Road, in the town of Hempstead, Nassau county, shall be closed and discontinued, and the highway shall be carried under the grade of the railroad by means of an undergrade crossing and approaches thereto, a portion of one of the approaches extending into the town of North Hempstead. The work shall be executed according to the following specifications:

(*a*) The center line of the undergrade crossing shall be located at station 924 + 91.03 railroad stationing, said center line making an angle of 80° 35′ with the center line of the railroad.

(*b*) The grade of the railroad shall be raised 6 feet at the crossing, to elevation 400.2, the tracks descending from this new elevation in each direction on 0.5 per cent grades to intersections with the existing track surfaces.

(*c*) The width of the subway shall be 40 feet, measured between neat lines of masonry.

(*d*) The clear headroom shall be 13 feet.

(*e*) The superstructure shall be in one span of through plate girder construction with waterproofed solid floor.

(*f*) There shall be two sidewalks in the subway and on the approaches, each walk to be of concrete and to be 5 feet in width.

(*g*) The roadway in the subway shall be 30 feet wide between curbs, and is to be paved with macadam. The roadways on the approaches are also to be paved with macadam. The approach roadways are to be widened on each side of the subway as shown upon the plan hereinafter referred to.

(*h*) Drainage shall be provided by means of not less than four catch-basins to a sump.

(*i*) The foregoing features are embodied in and the work shall be carried on according to a general plan on file with this case in this office entitled: "L. I. R. R. Main Line Elimination of grade crossing No. 67. John Street, 5970′ East of New Hyde Park"; said general plan also being marked "Public Service Commission, Second District, Nov. 4, 1910, Applicant's Ex. No. 1."

(*j*) The State of New York hereby agrees to pay one-fourth of the cost of eliminating the existing crossing of two tracks only, and that the excess cost of any structure over the cost of the structure required for the support of the existing two tracks must be paid entirely by the Railroad company.

It is further understood that a subsequent determination as to the distribution of one-fourth of the cost of this work between the Towns of Hempstead and North Hempstead is to be made by this Commission.

[Case No. 1799]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY for permission to discontinue highways at St. Elmo station in the town of Shawangunk, Ulster county, N. Y., under section 91 of the Railroad Law.

Whereas, This Commission did, on the 19th day of October, 1910, enter an order in the above entitled matter which determined that two crossings in the vicinity of St. Elmo station in the town of Shawangunk should be closed and discontinued, and that a new crossing should be constructed in accordance with the plans and specifications of proposed changes which were annexed to and made a part of the petition herein, said plans having provided that the new highways in question should be of the width of 40 feet, and the above mentioned order of this Commission having so directed: and

Whereas, It is the opinion of this Commission that these highways should be at least 50 feet in width: now therefore it is

Ordered: That the order herein entered as above stated on the 19th day of October, 1910, and so much thereof as pertains to the width of said highway, being subdivision (*d*), found on page 2 of said order, be and the same hereby is amended as follows: "(*d*) The new highways shall have a width of 50 feet."

[Case No. 1899]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the TOWN BOARD AND SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF SHAWANGUNK, Ulster county, *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY (lessee Wallkill Valley railroad), asking that the crossing at grade of the Wallkill Valley railroad and the main street in the unincorporated village of Wallkill be protected by gates, flagman, or warning bell.

After due deliberation it is

Ordered: That the matter of the complaint of the town board and superintendent of highways of the Town of Shawangunk, Ulster county, N. Y., vs. The New York Central and Hudson River Railroad Company (lessee Wallkill Valley Railroad), asking that the crossing at grade of the Wallkill Valley railroad at the main street in the unincorporated village of Wallkill be protected by gates, flag, or warning bell, be and the same hereby is closed upon the records of this Commission, it appearing by letter from James F. Loughran, county superintendent of highways, dated November 4, 1910, and received by this Commission November 5, 1910, that the answer submitted by The New York Central and Hudson River Railroad Company herein satisfies the complaint and that he therefore recommends the same be closed.

[Case No. 644]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 now section 91 of the Railroad Law, as to closing and discontinuance of the highway grade crossing of its railroad by the Rippleton Road highway in the town of Cazenovia, Madison county, and the construction of a new piece of highway and an overhead highway bridge crossing of said railroad: Chenango branch, West Shore railroad.

Whereas, A petition under section 62 of the Railroad Law was presented by The New York Central and Hudson River Railroad Company on October 25, 1906, for the elimination of the Rippleton Road grade crossing of the Chenango branch of the West Shore railroad in the town of Cazenovia, Madison county; and

Whereas, A hearing upon said petition was given by this Commission on November 10, 1910, at which time the petitioner made a motion to permit the withdrawal of its petition; it is

Ordered: That this request be and hereby is granted, and that the case be and hereby is closed upon the books of this Commission.

[Case No. 1917]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of November, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of the Village Board of New Paltz, Ulster county, *against* The New York Central and Hudson River Railroad Company (lessee Wallkill Valley railroad) as to protection at grade crossings on the Wallkill Valley railroad and highways in said village: (1) the Creamery crossing; (2) the crossing just south of Eltinge's feed mill; (3) the crossing just north of the brickyard.

Whereas, It is alleged in this case that the highway grade crossing of the Wallkill Valley railroad in the village of New Paltz known as the Creamery crossing, and located a few hundred feet south of the railroad station, is a dangerous crossing and should be protected by a crossing gate instead of the crossing bell now in use; and

Whereas, The tracks crossed by said highway are not only the main single track of the railroad but also a passing siding, and a few feet south of said crossing and toward the station the main track is intersected by a station siding; and it appears that there are numerous operations over said passing track and also over said switch connection so that switching operations cover the use of the main track at each side of said crossing; and further that the crossing bell does not ring when the passing track switch or the station siding is in use; and

Whereas, It further appears that buildings on each side of the highway on the east of said crossing and located in close proximity thereto obstruct both the north and south views for persons approaching the crossing from the east upon said highway in vehicles or as pedestrians, and that when cars are upon the station switch near the crossing the view from the highway to the south and toward the station is obstructed for persons upon the highway approaching the crossing from the west; and

Whereas, It clearly appears that the said crossing is largely used by pedestrians and by persons in wagons or automobiles or upon motor cycles or bicycles, and that great danger to such persons exists because of the use of such crossing for train passing and for switching purposes by respondent as the company operating the said railroad, without provision of any protection by respondent for such crossing during said passing and switching operations; and

Whereas, The respondent, recognizing the dangerous condition of such crossing under the operation aforesaid, has issued instructions to train crews that when they have occasion to move cars on the said tracks over this crossing a member of the train crew shall act as flagman; and the Commis-

sion considers that the remedy so proposed should have trial, but to that end the said remedy should be applied under and in conformity with specific requirements by the Commission set forth in an order issued in this case; it is

Ordered: 1. That the crossing bell used by respondent, The New York Central and Hudson River Railroad Company, at the highway crossing known as the Creamery crossing on its Wallkill Valley line in the village of New Paltz in this State, shall be continued in full operation and kept in proper repair for that purpose at all times; and that each and every case of the failure of said bell to ring when any train or light engine passes over said crossing in main track operation the same shall be reported to the Commission within five days thereafter, with a statement of the reasons ascertained for such failure and a showing that the cause of such failure has been fully removed.

Ordered: 2. That whenever the said crossing is used by respondent in connection with the said passing siding or said station switch, either for operation by a train or a light engine or in moving one or more cars, in every such case an employee of respondent company shall be stationed at such crossing before any such operation shall take place, for the purpose of acting as flagman to users of the highway during said operation and during every other operation when the crossing bell does not ring, and such flagman shall have during daylight hours the usual flag and in dark hours the usual lamp to be employed in every such operation for warning and signaling purposes.

Ordered: 3. That respondent shall secure accurate monthly reports covering the operations over this crossing, showing compliance with the requirements herein and of noncompliance if the same shall in any instance occur, and any case of noncompliance together with the cause therefor shall be promptly reported by respondent to this Commission as a part of this proceeding.

Ordered: 4. That this order shall take effect on the 5th day of December, 1910.

Ordered: 5. That said company shall notify this Commission on or before the 5th day of December, 1910, whether the terms of this order are accepted and will be obeyed.

Ordered: 6. That this order shall continue in force until changed or abrogated by this Commission.

[Case No. 575]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition by THE LONG ISLAND RAILROAD COMPANY under section 62 now section 91 of the Railroad Law as to changing the Comac and Crab Meadow Road highway grade crossing of its railroad, about 7185 feet east of its East Northport station, from grade to an overhead highway bridge crossing of said railroad.

A petition by The Long Island Railroad Company, under section 62 now section 91 of the Railroad Law, having been filed with this Commission.

alleging that public safety requires that the grade crossing of said company's railroad in the town of Huntington, Suffolk county, by a highway known as Comac and Crab Meadow Road, at a point about 7185 feet distant easterly from the East Northport station on said railroad, shall be changed from grade, and that said highway shall be carried over said railroad on an overhead highway bridge proposed to be constructed substantially in the line of the present highway, and asking this Commission to so order; and a public hearing on said petition having been held by Commissioner Sague of this Commission, in Northport, L. I., on November 17, 1910, at which *Joseph F. Keany* appeared for the petitioner; *Alonzo P. Whitson,* town superintendent of highways, appeared in person and by *Alsen E. Lowndes,* attorney; *Edward S. Ireland,* supervisor, and other members of the town board appeared for the Town; *William B. Codling* and *Charles C. Bennett* appeared for property owners; and *Mrs. H. Sanford Ketcham,* a property owner, appeared in person; and at which witnesses were heard in relation to the danger at said grade crossing and in relation to the overhead bridge crossing proposed to be constructed; and Commissioner Sague having inspected the crossing and locality; and it appearing to this Commission from the evidence that public safety requires that said grade crossing should be changed to an overhead bridge crossing and the grade crossing closed, therefore it is

Ordered: That this Commission hereby determines, under section 91 of the Railroad Law, that the crossing at grade of the Long Island railroad in the town of Huntington, Suffolk county, by a highway known as Comac and Crab Meadow Road, located at a point at about 7185 feet distant easterly from the East Northport station on said railroad, shall be changed from grade, and that said highway shall be carried over said railroad on an overhead highway bridge to be constructed substantially in the line of the present highway, which overhead highway bridge and approaches thereto this Commission hereby determines shall be constructed; that this Commission also hereby determines that if necessary to close the existing grade crossing during the construction of said overhead bridge and approaches, a temporary crossing at grade of said railroad nearby shall be provided by said Railroad company; that this Commission also hereby determines that when said overhead bridge and approaches are completed and ready for use by the public, that the existing grade crossing and, if provided, the temporary grade crossing of said railroad shall be closed and discontinued.

It is further Ordered: That said overhead bridge and approaches shall be constructed substantially as shown on blue-print plans filed with this Commission in this matter and marked "Public Service Commission, Second District, Nov. 17, 1910," Applicants Exhibits Nos. 1, 2, and 9, a limited general description of the work being as follows:

Said overhead bridge shall have a clearance from top of rail of the railroad of 21 feet; the grade of the approaches to said bridge on each side shall be approximately 8 per cent, and to this extent Applicant's Ex. No. 2 is varied by this order through the shortening of the approaches resulting in an 8 per cent instead of a 6 per cent grade. The bridge shall be of steel, supported by pedestals, 24 feet wide in the clear, with plank floor. The approaches shall be 30 feet wide in the clear. The slopes of the approaches shall be seeded for grass to prevent washing so far as practicable.

It is further Ordered: That the estimated cost of said work, namely $8000, is hereby approved, and that the State's share of said cost, now estimated at $2000, is hereby appropriated from the funds available for that purpose.

[Case No. 1641]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 53 of the Public Service Commissions Law for permission to construct a cut-off line of the R., W. & O. railroad between Sanfords and Watertown, Jefferson county; and under section 60 now section 89 of the Railroad Law for an order determining the method of said cut-off railroad crossing four highways.

The New York Central and Hudson River Railroad Company having applied to this Commission on May 17, 1910, under section 53 of the Public Service Commissions Law for permission to construct a cut-off line of the R., W. & O. railroad between Sanfords and Watertown, Jefferson county, N. Y.; and under section 60 now section 89 of the Railroad Law for an order determining the method by which said cut-off railroad shall cross four highways; and an order having been made by this Commission under section 53 of the Public Service Commissions Law granting the application for the construction of said railroad; and The New York Central and Hudson River Railroad Company having applied to the Supreme Court for an order giving it the right to cross these highways; and a hearing having been given by this Commission as required by statute on November 8, 1910, upon the question as to the manner in which said railroad shall cross two highways within the town of Pamelia, one highway which is on the division line between the towns of Pamelia and LeRay, and one highway near Sanfords in the town of LeRay; it is

Ordered: That the petition be and hereby is granted, and this Commission hereby determines, under section 89 of the Railroad Law, that said cut-off line of railroad shall cross the above named four highways as hereinafter specified:

1. Highway at station 57+93 of the established center line of the railroad in the town of Pamelia: the highway shall be carried under the grade of the railroad in a subway 36 feet 2 inches wide between undercoping lines, with a headroom of 13 feet, the center line of the subway coinciding with the existing center line of the highway;

2. Highway at station 115+67 of the established center line of the railroad in the town of Pamelia: the highway shall be carried under the railroad in a subway 25 feet 10 inches wide between undercoping lines, with a 16 feet clearance, with center line of the undercrossing to coincide with the center line of the existing highway;

3. A highway the center line of which is on the dividing line between the towns of Pamelia and LeRay: the highway shall be carried over the railroad, the center line of the overgrade crossing to intersect the established center line of the railroad at station 161+35; an approach to said overgrade crossing shall be constructed on the south side in a line with the overgrade crossing to an intersection with an existing highway known as highway No. 531; the northerly approach shall be parallel to the railroad and extend easterly to the intersection with the existing highway along the line separating the towns of Pamelia and LeRay: the clearance above the top of the rails is to be 21 feet, and the width of the roadway between curbs is to be 18 feet.

4. A highway at station 216—56.3 of the established center line of the railroad in the town of LeRay: the highway shall be carried under the railroad in a subway 24 feet 8 inches wide between undercoping lines, with a headroom of 13.21 feet, the center line of the subway to coincide with the center line of the existing highway.

[Case No. 457]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY under section 62 now section 91 of the Railroad Law as to the closing and discontinuance of a highway grade crossing of its railway near Young's Gap, in the town of Liberty, Sullivan county, and the construction of a new piece of highway, and an overhead bridge crossing of said railway to be located at another point.

An application dated December 31, 1903, under former section 62 now section 91 of the Railroad Law, asking for the elimination of a highway grade crossing of the New York, Ontario and Western railway by a highway known as the Stuart Road, in the town of Liberty, Sullivan county, near Young's Gap, having been filed with this Commission by the New York, Ontario and Western Railway Company, upon which petition after due notice to all interested parties as required by the statute a hearing was given in the village of Liberty on November 22, 1910; and it appearing from the evidence submitted that public safety requires the elimination of the said grade crossing, it is

Ordered: That the petition be and hereby is granted, and under section 91 of the Railroad Law it is ordered that the present grade crossing of the New York, Ontario and Western railway by the above named highway crossing the tracks near Young's Gap, in the town of Liberty, Sullivan county, shall be closed and discontinued, and that the highway shall be diverted from its present location and shall be carried over the grade of the railroad by means of an overgrade crossing and approaches thereto to be constructed according to the following specifications:

(*a*) Beginning at a point about 430 feet southwesterly from the existing crossing in the center line of the present highway designated as point "B," a new highway is to be constructed, whose center line from the above named point shall bear north 72 degrees west a distance of about 570 feet; thence turning to the left on a curve of a radius of 66 feet through an angle of 64 degrees and 45 minutes; thence proceeding on a straight line across the railroad to a junction with the existing highway on the east side of the tracks.

(*b*) The bridge over the railroad shall be of metal and of pony truss construction, with metal floor beams and timber joists and floor; the distance between truss centers shall be 20 feet; the clear distance between insides of wheel-guards shall be 18 feet; the superstructure is to be supported by masonry abutments.

(*c*) Beginning at a point 40 feet easterly from the point "B" above referred to, the new highway shall ascend at the rate of 6 per cent for a distance of 515 feet; thence level a distance of about 95 feet to the westerly end of the superstructure; thence ascending toward the east on a 2.222 per

cent grade on and across the superstructure a distance of about 130 feet; thence ascending on grades of 9 per cent north and south to intersections with the existing highway surfaces.

(*d*) At the junction of the new with the existing highway on the east side of the tracks, curves of radius as large as may reasonably be secured shall be introduced.

(*e*) In cut, the new highway shall be built to a width of 23 feet base to base of side slope lines; subgrade is to be built to a width of 18 feet; gravel to a depth of 6 inches after rolling and for a width of 16 feet shall be deposited thereon. In fill, subgrade shall be built to a width of 18 feet, and paved to a width of 6 feet with gravel 6 inches thick after rolling.

(*f*) The present highway is to be closed on the westerly side of the tracks from the junction point with the new highway (which point is designated by a red line and is distant about 395 feet from the center line of the southbound track) across the railroad to a point in the easterly right of way line designated as point "C". That portion of the highway is to be closed "point C," and the new overgrade crossing is to be left open for the use of the adjoining property owner.

(*g*) All new highways shall be built to a width of 3 rods.

(*h*) The clear headroom of the bridge above the top of the rail shall be about 30 feet.

(*i*) The work shall be done as shown by three blue-prints on file in this case and marked "Public Service Commission, Second District, Nov. 22, 1910. Applicant's Ex. No. 2."

(*j*) The existing highway grade crossing shall not be closed until the completion of the overgrade crossing and its approaches.

It is further Ordered: That the estimate for this work, namely $5673.75, submitted by the Railroad company and which is made a part of applicant's exhibit No. 2 above referred to, be and is hereby approved.

[Case No. 637]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF DRYDEN, Tompkins county, under section 62 now section 91 of the Railroad Law as to the closing and discontinuance of a highway grade crossing of the railroad operated by the Lehigh Valley Railroad Company near Varna in said town, and the construction of new pieces of highway, and an overhead highway bridge crossing of said railroad at another point.

A petition by the town board of the Town of Dryden, Tompkins county, under section 62 now section 91 of the Railroad Law, having been filed with this Commission, alleging that public safety requires that the grade crossing of the Elmira, Cortland and Northern branch of the Lehigh Valley company's railroad by a highway near the Varna station shall be changed from grade, in which matter a public hearing after due notice to interested parties as prescribed by statute was held by this Commission in the city of Ithaca on November 11, 1910, and an adjourned hearing at Albany on November 30,

1910; and it appearing to this Commission that public safety requires the elimination of said grade crossing of the Elmira, Cortland and Northern branch of the Lehigh Valley company's railroad by this highway, it is

Ordered: That the petition be and hereby is granted, and that this Commission hereby determines under section 91 of the Railroad Law that the crossing at grade of the Elmira, Cortland and Northern branch of the Lehigh Valley company's railroad by a highway near the Varna station of said railroad shall be changed from grade, and that said highway shall be carried over said railroad by means of an overgrade crossing and approaches thereto, the overgrade crossing to be located at a point about 700 feet northerly from the existing grade crossing; the superstructure is to be of steel, and to have a length of about 100 feet; to have a clearance above the top of the rail of not less than 22 feet, and an available width between insides of wheel-guards of not less than 18 feet; it shall also have a solid paved floor; the approaches of this overgrade crossing are to be constructed on an alignment as may hereafter be determined by this Commission and approved by the State Highway Commission; the details of construction of these highways shall be according to the standards of the highway commission; guard-rails shall not be less than 22 feet apart except at the turn in the westerly approach where it shall be 26 feet; the grades on the approaches shall be as may hereafter be determined.

It is further Ordered: That the Lehigh Valley Railroad Company be and hereby is requested to prepare and submit to this Commission on or before January 1, 1911, a complete general plan for this improvement, for approval by this Commission.

It is further Ordered: That the existing grade crossing shall be left open for the accommodation of highway traffic until the construction and approval of the new overgrade crossing and its approaches.

[Case No. 1333]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Joint Petition of the Western New York and Pennsylvania Railway Company and The Pennsylvania Railroad Company under section 62 now section 91 of the Railroad Law as to the elimination of the grade crossings of the Western New York and Pennsylvania railway (lessor) by Thirteenth street and Buffalo street in the city of Olean.

A petition dated November 15, 1909, under former section 62 now section 91 of the Railroad Law, asking for the elimination of the grade crossings of the tracks of the Western New York and Pennsylvania railway by Thirteenth street and Buffalo street in the city of Olean, having been filed with this Commission by the Western New York and Pennsylvania Railway Company and the Pennsylvania Railroad Company (lessee of the Western New York and Pennsylvania Railway Company), upon which petition, after due notice

as required by statute, a hearing was given by this Commission in the city of Olean on November 10, 1910; and it appearing from the evidence submitted at said hearing that public safety requires the elimination of the above named grade crossings, it is

Ordered: That the petition be and hereby is granted, and under section 91 of the Railroad Law it is ordered that the present Thirteenth Street grade crossing of the Western New York and Pennsylvania railway in the city of Olean shall be closed and discontinued, and that the present Buffalo Street grade crossing of said railway in said city shall be eliminated by removing the three existing tracks from Buffalo street where they are now located near the intersection of Buffalo street with Thirteenth street, the re-location of the railroad, and the construction of an overgrade crossing, together with approaches thereto, as shown upon a general plan filed with the Commission in this case and entitled "P. R. R. B. & A. V. Div. Chautauqua Div. W. N. Y. & P. Ry. Proposed Overhead Bridge and Tracks at 12th and Buffalo Sts., Olean, N. Y. Apr. 22, 1909." The plan for further identification being marked "Public Service Commission, Second District, Nov. 10, 1910. Applicant's Ex. No. 1." The work to be done according to the following specifications:

(*a*) The center line of the new highway constituting the approaches to and the overgrade crossing shall be located as follows with respect to its center line: beginning at a point where the prolongation of the center line of Twelfth street intersects the north line of Reed street; running thence northerly at right angles to Reed street a distance of about 127 feet; curving thence to the left on a radius of 637 feet through an angle of 23° 25′; thence tangent a distance of about 120 feet; thence curving to the left on a radius of about 478 feet through an angle of 23° 48′, to a point in the center line of Buffalo street, said point being located about 105 feet southeasterly from the east line of Thirteenth street, measured along the center line of Buffalo street. From this point the center line of the northerly approach shall coincide with the center line of Buffalo street.

(*b*) The bridge carrying the highway shall be of solid floor through plate girder construction, about 105 feet long over all, with clearance line not less than 22 feet above the top of rail. It shall be supported by masonry abutments and have a solid floor; the roadway shall be 24 feet wide in the clear, paved with creosoted wood block, and two sidewalks each not less than 5½ feet wide in the clear between metal lines shall be provided: said sidewalks shall be of concrete. The floor shall be designed to support a forty-ton car on double trucks, distance between truck axles 6 feet, and between truck centers 20 feet.

(*c*) The grades on the approaches shall ascend toward the bridge on each side at a rate of 6 per cent.

(*d*) The approaches shall be composed of earth embankments. The roadways shall have a width of 24 feet, and shall be paved with clean gravel to a depth of 6 inches after rolling. The sidewalks shall each be 6 feet wide, paved with flagstones 4 feet wide. Paved gutters shall be provided on both sides of each approach.

(*e*) Unless there are existing facilities of sufficient capacity to dispose of surface waters from these approaches, catch-basins connected with existing storm-water sewers shall be constructed.

(*f*) Substantial railings of approved design shall be erected on the approaches.

(*g*) None of the cost of the work incurred on account of the re-location of the railroad tracks shall be borne by the City of Olean or the State of New York.

(*h*) The existing crossings shall be left open for the accommodation of highway traffic until the completion and acceptance by the Public Service Commission of the overgrade crossing.

(*i*) Thirteenth street shall be closed from the northerly right of way line of the railroad to a point 230 feet north of the north line of Reed street, which said point is designated on the plan hereinbefore referred to by a red line.

(*j*) The railroad tracks shall be removed from their present location over Buffalo street, and the street is to be closed from a point in the southerly line of land at present constituting the right of way of the Railroad company where the said line is intersected by Buffalo street, which said point is marked by a red line on the plan above referred to, and is distant about 340 feet measuring along the center line of Buffalo street from the intersection of said center line with the north line of Reed street extended to cross Buffalo street, to a point in the southerly line of the new street hereinbefore described where the same runs into Buffalo street, which said point is about 313 feet southeasterly measured along the center line of Buffalo street from the east line of Thirteenth street.

(*k*) The new highway shall be laid out to a width of 60 feet, and at all points where the slope of the embankments constituting the approaches shall be of a greater base width than 60 feet, the boundaries of the highway shall be at the bottom of the slopes. The top width of the embankments shall be considered to be 40 feet wide, and the earth slopes at the rate of 1½ feet horizontal to 1 foot vertical.

(*l*) The City of Olean shall retain the right to maintain, repair, or remove any sewers, water or gas pipes, or substructures of any nature now existing in those portions of Thirteenth street and Buffalo street which are hereinbefore declared closed.

[Case No. 1672]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF GEDDES, Onondaga county, under section 62 now section 91 of the Railroad Law, for an order determining that the Gere Road grade crossing of the New York Central and Hudson River railroad and the West Shore railroad shall be closed and discontinued, and that an extension of Bridge street, to be constructed, shall cross said railroads on an overhead bridge.

Ordered: That the matter of the petition of the town board of the Town of Geddes, Onondaga county, for an order determining that the Gere Road grade crossing of the New York Central and Hudson River railroad and the West Shore railroad shall be closed and discontinued, and that an extension of Bridge street, to be constructed, shall cross said railroads on an overhead bridge, be and the same hereby is closed upon the records of this Commission, it appearing in letters dated July 21 and July 25, 1910, respectively, written by Commissioner Decker of this Commission to Mr. LaMont Stilwell, attorney for the petitioner, that the petition herein should be made under section 90 of the Railroad Law.

[Case No. 1779]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of proposed safety devices at Winchester, Erie county, crossing at grade of Pennsylvania railroad and Buffalo Southern railway.

This Commission having called a hearing at No. 1216 Chamber of Commerce Building, in the city of Buffalo, on Friday, August 12, 1910, at 10 a. m., on the subject of whether or not it should order: (1) that a special cut crossing be installed at a point near the Winchester station, Erie county, where the double tracks of The Pennsylvania Railroad Company cross a track of the Buffalo Southern railway at grade; (2) that a metal trough be placed on the trolley wire of the Buffalo Southern railway extending over said crossing; (3) that derailing switches be installed in the track of the Buffalo Southern railway on either side of said crossing, these derailing switches to be operated by the conductor of electric cars; and due notice of such hearing having been given to The Pennsylvania Railroad Company and to the Buffalo Southern Railway Company, they being all of the parties interested in the subject matter thereof; and such hearing and other hearings having been held pursuant to notice; and *Frank Rumsey, esq.*, appearing on behalf of the Western New York and Pennsylvania Railroad Company and The Pennsylvania Railroad Company; and *William L. Marcy, esq.*, appearing on behalf of the Buffalo Southern Railway Company; and it appearing to the satisfaction of the Commission by the reports of its inspectors and otherwise that the existing crossing at such point is what is known as a jump crossing, and as such is unsafe for use, and inconvenient as well as dangerous, and that public safety requires that such crossing be changed as hereinafter required; and Frank Rumsey, esq., representing The Pennsylvania Railroad Company, having submitted to this Commission a letter under date of November 28, 1910, detailing the provisions to be contained in a final order herein, and the above letter having been concurred in with certain exceptions on December 3, 1910, by N. A. Bundy, treasurer of the Buffalo Southern Railway Company; now therefore it is

Ordered: 1. That on or before the 1st day of February, 1911, The Pennsylvania Railroad Company shall install at the crossing of each of said tracks of the Western New York and Pennsylvania Railway Company (operated by said The Pennsylvania Railroad Company) by the track of the Buffalo Southern Railway Company in Indian Church Road in the town of Ebenezer, Erie county, a special work cut crossing, the crossing frogs therefor to conform in dimensions and weight with a rail of said Western New York and Pennsylvania Railway Company which shall weigh one hundred pounds to the yard; said crossings and special work to be at the grade and on the alignment of the existing crossing; the work shall be done in accordance with plans to be prepared by The Pennsylvania Railroad Company, which plans shall be submitted to this Commission for approval. The expense of the installation of said cut crossing and the maintenance thereof, including any and all renewals after their installation, shall be borne entirely by the Buffalo Southern Railway Company, and to be paid by said company upon demand when accompanied by an itemized and verified bill therefor.

Ordered: 2. That on or before the 1st day of February, 1911, the Buffalo Southern Railway Company shall install in its tracks on either side of said crossing derailing switches, to be operated by the conductors of the

cars of the Buffalo Southern Railway Company; said work to be done in accordance with plans which shall be prepared by said The Pennsylvania Railroad Company, which plans shall be first approved by this Commission; the expense of the installation of said derailing switches and the maintenance thereof after their installation, including any and all renewals, shall be borne entirely by the Buffalo Southern Railway Company.

Ordered: 3. That in case of the failure of said The Pennsylvania Railroad Company to install the said cut crossings or either of them within the time limited by this order, the Buffalo Southern Railway Company shall at its own expense install the same in accordance with plans to be prepared by said Buffalo Southern Railway Company, and which plans shall be approved by the division engineer of The Pennsylvania Railroad Company having jurisdiction of that part of the line of said railroad company upon which said crossing is located, and also by this Commission. And it appearing that a metal trough has already been placed on the trolley wire of said Buffalo Southern Railway Company extending over said crossing,

Ordered: 4. That such metal trough now in place over the trolley wire of said Buffalo Southern Railway Company extending over said crossing shall be maintained in good repair by said Buffalo Southern Railway Company and at its expense.

Ordered: 5. That all plans for the work herein shall be prepared and submitted to this Commission for its approval with all reasonable dispatch.

Ordered: 6. That this order shall take effect upon the service of a certified copy thereof upon said The Pennsylvania Railroad Company and said Buffalo Southern Railway Company, and shall continue in force so long as said crossing shall continue to exist unless earlier modified or abrogated by this Commission.

[Case No. 686]

State of New York.
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Petition of The Lake Shore and Michigan Southern Railway Company under section 62 now section 91 of the Railroad Law as to changing the Idlewood highway grade crossing of said company's railway in the town of Hamburg, Erie county, between the North Evans and Lake View stations, from grade to an undercrossing.

A petition dated June 11, 1907, under former section 62 now section 91 of the Railroad Law, asking for the elimination of the grade crossing of the tracks of the Lake Shore and Michigan Southern railway by the Idlewood highway in the town of Hamburg, Erie county, having been filed with this Commission by The Lake Shore and Michigan Southern Railway Company, upon which petition, after due notice to all interested parties as required by statute, hearings were given by this Commission in the city of Buffalo on November 7, 1910, and November 18, 1910; and it appearing from the evidence submitted at said hearings that public safety requires the elimination of the said Idlewood grade crossing, it is

Ordered: That the petition be and hereby is granted, and under section 91 of the Railroad Law it is ordered that the existing Idlewood highway grade crossing of the four tracks of the Lake Shore and Michigan Southern railway in the town of Hamburg, Erie county, shall be closed and discon-

tinued and the grades of said highway and railway shall be separated, and said highway shall be carried under the grade of said railway by means of an undergrade crossing and approaches thereto as hereinafter specified:

(*a*) The center line of the undergrade crossing shall coincide with the center line of the existing highway.

(*b*) The clear headroom at the center of the highway shall be 13 feet.

(*c*) The distance between the abutments supporting the superstructure shall be 24 feet.

(*d*) The southerly approach shall descend toward the subway at the rate of about 7 per cent; the northerly approach shall descend toward the north on a uniform grade. Drainage, if necessary, by means of catch-basins and tile pipe shall be provided to an adjacent valley.

(*e*) The bridge carrying the railroad shall be of deck construction, with solid floor.

(*f*) The roadway on the approaches shall be paved with gravel to a depth of 6 inches and a width of 16 feet. Paved gutters shall be provided for the entire length of the improvement.

(*g*) The approaches shall be graded to a width as called for by the standards for county highways adopted by the State Highway Commission.

(*h*) A temporary crossing shall be constructed for use during the construction of this undergrade crossing.

[Case No. 1848]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of THE LONG ISLAND RAILROAD COMPANY under section 91 of the Railroad Law as to changing the Duck Pond Road highway grade crossing of its railroad in the town of Oyster Bay, Nassau county, to an overhead crossing.

An application dated August 22, 1910, under section 62 now section 91 of the Railroad Law, asking for the elimination of a highway grade crossing of the Long Island railroad by a highway known as the Duck Pond Road in the town of Oyster Bay, Nassau county, having been filed with this Commission by The Long Island Railroad Company, upon which petition, after due notice to all interested parties as required by the statute, a hearing was given by this Commission on December 16, 1910; and it appearing from the evidence submitted that public safety requires the elimination of said grade crossing of the Long Island railroad, it is

Ordered: That the petition be and hereby is granted, and under section 91 of the Railroad Law it is ordered that the present grade crossing of the Long Island railroad by the Duck Pond Road highway in the town of Oyster Bay, Nassau county, shall be closed and discontinued, and the highway shall be carried over the grade of the railroad by means of an overgrade crossing and approaches thereto constructed according to the following specifications:

(*a*) The center line of the overgrade crossing shall be located at about station 1480 plus 53 (railroad stationing), and the angle included between the center line of the railroad and the axis of the bridge shall be 38 degrees and 12 minutes.

(*b*) The right angled distance between faces of the abutments supporting the bridge over the railroad tracks shall be about 28 feet.

(*c*) The bridge shall be of steel, of through plate girder construction, with a solid floor; it shall have an available width of 40 feet, this space to be equally divided between two 5 feet wide in the clear sidewalks and one roadway 30 feet wide between curb lines.

(*d*) Approaches on the Duck Pond Road shall be constructed of earth embankments to a width of 50 feet; the northerly approach shall ascend toward the overgrade crossing at the rate of 2.21 per cent; the southerly approach shall descend from the overgrade crossing at the rate of 2 per cent.

(*e*) An earth embankment approach shall be constructed in line with the present private driveway leading to the residence of Mr. J. B. C. Tappan; this approach shall descend toward the north at the rate of 1½ per cent.

(*f*) An earth embankment approach connecting with the main northerly approach to the overgrade crossing and having an alignment parallel to the railroad track shall be constructed, with its center line about 52 feet from the center line of the railroad and extending in an easterly direction, descending toward the east at the rate of 5 per cent; this embankment shall be 25 feet wide.

(*g*) Pearsall avenue shall be closed at a point opposite station 1475, and a new highway shall be constructed as a continuation of Walnut Road to an intersection with the existing Pearsall avenue; this highway shall descend from the Duck Pond Road to Pearsall avenue at the rate of 7½ per cent.

(*h*) Approaches to the overgrade crossing, including the station driveway and the approach to the property of Mr. J. B. C. Tappan and the Walnut Road continuation, shall be paved with gravel. All pavements except that on the Tappan approach shall be constructed to a width of not less than 16 feet. Sidewalks on the approaches and upon the station driveway shall be constructed as may be hereafter determined.

(*i*) The clear headroom above the top of the rails of the railroad shall be 21 feet.

(*j*) Substantial railings of approved design shall be constructed upon the approaches wherever the embankments are of a greater height than 2 feet.

(*k*) A temporary driveway for use by the public during the construction of the overgrade crossing shall be provided.

Generally, the work shall be done as shown upon a general plan filed in this office and entitled "L. I. R. R. Co. Oyster Bay Br'ch. Elimination of grade crossing No. 247 of Duck Pond Road at Nassau station." The plan is marked for further identification as follows: "Public Service Commission. Second District. Dec. 16, 1910. Exhibit No. 1."

[Case No. 1973]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the BOARD OF ALDERMEN OF THE CITY OF WATERVLIET *against* SCHENECTADY RAILWAY COMPANY as to operation of crossing gates at the 19th Street grade crossing of said railway and The Delaware and Hudson Company's railroad and in relation to re-surfacing 19th street between Schenectady Railway tracks west of the Delaware and Hudson crossing.

Ordered: That the matter of the complaint of the board of aldermen of the City of Watervliet against Schenectady Railway Company as to opera-

tion of crossing gates at the 19th Street grade crossing of said railway and The Delaware and Hudson Company's railroad, and in relation to re-surfacing 19th street between Schenectady Railway tracks west of the Delaware and Hudson crossing, be and the same is hereby closed upon the records of this Commission, it appearing by a letter from Luhr Eggers, city clerk of the City of Watervliet, dated December 16, 1910, received by this Commission December 17, 1910, that the Schenectady Railway Company has complied with the request of the common council of the City of Watervliet and is now operating the crossing gates in question until 12 p. m., which satisfactorily disposes of the case.

[Case No. 802]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF KERHONKSON, Ulster county, *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, petitioning for protection by gates and flagman at two highway grade crossings at Kerhonkson station.

Whereas, A hearing in said matter was held at Albany, June 7, 1910, and subsequently an inspection was made by Inspector Brazee for this Commission and a report thereon filed July 11, 1910; and

Whereas, It appears from said hearing and investigation that the following conditions exist: 1, that the highways complained of are about 270 feet apart, one east and one west of the passenger station, and that said highways are joined by parallel roads near the railroad company's tracks, which roads form practically an extension of the station grounds, and it would therefore be impracticable to fence the railroad tracks between said highway crossings without causing serious inconvenience to the public, and fencing would be necessary to make protection by gates effective; 2, that the train service on the railroad at this point consists of six scheduled trains each way daily over the crossings, all of which stop at said station, and about one extra train each way daily which stops occasionally; 3, that the views approaching said crossings, as stated by the inspector, are as follows: "The east crossing from the south side on account of a store and storehouse has a poor view of a train coming from the east; in all other directions and at almost any point the view is good. At the west crossing on the north side of railroad, on account of a building being close to the railroad on the west side of the street, a train can not be seen coming from the west until close to the crossing; at all other points the view is fair." And it appearing that some protection ought to be given to people using said crossing, but that the expense of maintaining a double set of gates is not justified, and that warnings given by an electric warning bell automatically operated will be sufficient notice to persons using said crossing; now therefore it is

Ordered: That the New York, Ontario and Western Railway Company be and it is hereby directed to install and maintain at the highway crossings of its tracks in the village of Kerhonkson (which are on each side of the passenger station) an electric warning bell, to be operated automatically

by approaching trains from either direction on the main tracks or on switches so as to give ample notice to the public of arriving trains at all hours of the day or night, and that said bell shall be installed at a proper place so that it can be heard by persons using either of said crossings.

It is further Ordered: That said electric bell shall be installed by the New York, Ontario and Western Railway Company on or before the 1st day of February, 1911, and that it shall be maintained until further order of this Commission.

It is further Ordered: That this order shall take effect upon the service of a certified copy thereof upon said the New York, Ontario and Western Railway Company.

It is further Ordered: That said the New York, Ontario and Western Railway Company shall notify this Commission on or before Wednesday, January 11, 1911, whether the terms of this order are accepted and will be obeyed.

APPENDIX H

In the Matter of Reparation for Excess Charges by Railroad Corporations.

APPENDIX II

[Case No. 1456]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

C. W. BLAKESLEE & SONS, complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $20.97.

Upon a mixed carload shipment of common brick, fire brick, and fire clay transported on June 4, 1909, over the New York Central and Hudson River railroad from Amenia to Kitchawan within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainants, C. W. Blakeslee & Sons, the sum of $61.60, as follows: Common brick, 52,000 pounds, at 95 cents per net ton, in accordance with rule 10 of the official classification No. 33 and respondent's freight tariff P. S. C., 2 N. Y., No. 4451, filed with the Commission August 15, 1908, $24.70; fire brick, 11,000 pounds, at 30 cents per hundred pounds, in accordance with rule 10 of the official classification No. 33 and respondent's freight tariffs P. S. C., 2 N. Y., No. 5301, filed with the Commission February 6, 1909, and P. S. C., 2 N. Y., No. 5300, filed with the Commission February 8, 1909, through error an undercharge of 50 cents being made, $32.50; fire clay, 2000 pounds, at 22 cents per hundred pounds, in accordance with rule 10 of the official classification No. 33 and respondent's freight tariffs P. S. C., 2 N. Y., No. 5301, filed with the Commission February 6, 1909, and P. S. C., 2 N. Y., No. 5300, filed with the Commission February 8, 1909, $4.40. Respondent states that at the time said shipment moved there were no commodity rates in effect on fire brick and fire clay in mixed carloads with common brick from said point of shipment to destination, and less carload rates, as above stated, were necessarily charged. The present effective rate on common brick, carloads, minimum weight 40,000 pounds, from Amenia to Kitchawan, is 95 cents per net ton; and on fire brick and fire clay, carloads, minimum weight 40,000 pounds, $1.25 per net ton, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 6941, effective October 25, 1909, filed with the Commission September 23, 1909. In accordance with the provisions of rule 10 of the official classification No. 35 at present in effect, a mixed carload shipment as above described would be subject to charge on the basis of the highest minimum carload weight and highest carload rate applying to any commodity in the shipment. Complainants claim, and respondent admits, that the said rates as originally charged were excessive, and respondent further admits that the said rate of $1.25 per net ton applied in accordance with rule 10 of the official classification No. 35 and its freight tariff P. S. C., 2 N. Y., No. 6941, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between

$61.60, the amount collected upon said shipment, and $40.63, the sum produced by a rate of $1.25 per net ton upon a carload weight of 65,000 pounds, the aggregate weight of said shipment, that is to say, $20.97, should be allowed to complainants, it is

Ordered: That the complainants, C. W. Blakeslee & Sons, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $20.97 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $61.60 for transportation of the shipment aforesaid.

[Case No. 1457]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

MUTUAL MILK AND CREAM COMPANY, complainant, *v.* RUTLAND RAILROAD COMPANY, respondent. — Authority to refund $181.58.

Upon shipments of ten carloads of ice on March 6, 1909, over the Rutland railroad from Madrid to Burke within this State, respondent, Rutland Railroad Company, charged and collected from complainant, Mutual Milk and Cream Company, for the transportation thereof the sum of $363.16, computed at a rate of 5½ cents per hundred pounds upon an aggregate weight of 660,300 pounds. Such charge was assessed in accordance with effective rate on carload shipments of said commodity as contained in supplements Nos. 1 and 2 to respondent's freight tariff P. S. C., 2 N. Y., No. 90, filed with the Commission September 23, 1907. Respondent states that if its attention had been called to said shipments before they were moved it would have arranged a rate of 55 cents per net ton therefor. Effective September 1, 1909, respondent established a rate of 55 cents per net ton on carload shipments of ice applying from Madrid to Burke as shown by supplement No. 12 to its freight tariff P. S. C., 2 N. Y., No. 90, filed with the Commission July 30, 1909. Complainant claims, and respondent admits, that the said rate of 5½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 55 cents per net ton, which was made effective September 1, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $363.16, the amount collected upon said shipments, and $181.58, the sum produced by a rate of 55 cents per net ton upon an aggregate weight of 660,300 pounds, that is to say, $181.58, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Mutual Milk and Cream Company, is entitled to recover from respondent, Rutland Railroad Company, the sum of $181.58 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $363.16 for transportation of the shipments aforesaid.

[Case No. 1458]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JOSEPH STURGES & SON, complainants, *v.* THE LONG ISLAND RAILROAD COMPANY, respondent. — Authority to refund $9.30.

Upon eight less than carload shipments of oysters during the period from December 26, 1908, to January 6, 1909, over the Long Island railroad from Lynbrook, N. Y., to Pier 32, East river, New York city, respondent, The Long Island Railroad Company, charged and collected from complainants, Joseph Sturges & Son, for the transportation thereof the sum of $21.70, computed at a rate of 14 cents per hundred pounds upon an aggregate weight of 15,500 pounds. Such charge was assessed in accordance with effective rate on less than carload shipments of oysters as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 208, filed with the Commission November 19, 1908. Previous to December 21, 1908, the effective rate on said commodity in any quantity from said point of shipment to destination was 8 cents per hundred pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 73, filed with the Commission September 12, 1907; and respondent states that the establishment of the 14 cent rate was through error which was corrected by the reëstablishment of a rate of 8 cents per hundred pounds in accordance with special permission order of the Commission No. 739, as shown in its freight tariff P. S. C., 2 N. Y., No. 220, effective January 7, 1909, filed with the Commission January 4, 1909. Complainants claim, and respondent admits, that the said rate of 14 cents per hundred was excessive, and respondent further admits that the said rate of 8 cents per hundred pounds which was reëstablished January 7, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $21.70, the amount collected upon said shipments, and $12.40, the sum produced by a rate of 8 cents per hundred pounds upon an aggregate weight of 15,500 pounds, that is to say, $9.30, should be allowed to complainants upon said shipments, it is

Ordered: That the complainants, Joseph Sturges & Son, are entitled to recover from respondent, The Long Island Railroad Company, the sum of $9.30 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $21.70 for transportation of the shipments aforesaid.

[Case No. 1459]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JOHN F. DAILEY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $19.80.

Upon a shipment made May 19, 1909, of one carload of lumber over the New York Central and Hudson River railroad from Pittsford to Hamlin within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $39.60, computed at a rate of 11 cents per hundred pounds upon a carload weight of 36,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of lumber as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. Apparently the transportation charge was borne by the complainant. At the time said shipment moved respondent had in effect on carload shipments of lumber a local rate of 4 cents per hundred pounds applying from Pittsford to Charlotte, N. Y., as shown by its freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, and a local rate of 4½ cents per hundred pounds applying from Charlotte to Hamlin as shown by its freight tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. Respondent states that if previous to the movement of said shipment request had been made it would have established a rate of 5½ cents per hundred pounds to be applied from said point of shipment to destination. Effective September 1, 1909, respondent established a rate of 5½ cents per hundred pounds on carload shipments of lumber applying from Pittsford to Hamlin as shown by its freight tariff P. S. C., 2 N. Y., No. 6579, filed with the Commission July 29, 1909. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 5½ cents per hundred pounds which was made effective September 1, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $39.60, the amount collected upon said shipment, and $19.80, the sum produced by a rate of 5½ cents per hundred pounds upon a carload weight of 36,000 pounds, that is to say, $19.80, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, John F. Dailey, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $19.80 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $39.60 for transportation of the shipment aforesaid.

[Case No. 1461]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JOHN R. EBERSOLE, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY, respondents. — Authority to refund $12.

Upon a shipment of one carload of wheat forwarded on November 9, 1908, from Clarence, N. Y., on the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) via Buffalo, N. Y., and Dunkirk, N. Y., on the Lake Shore and Michigan Southern railway, and via Dunkirk to Fredonia, N. Y., on the Dunkirk, Allegheny Valley and Pittsburgh railroad (The New York Central and Hudson River Railroad Company, lessee; operated by The Lake Shore and Michigan Southern Railway Company), respondents, The New York Central and Hudson River Railroad Company and The Lake Shore and Michigan Southern Railway Company charged and collected for the transportation thereof the sum of $48, computed at a rate of 12 cents per hundred pounds upon a carload weight of 40,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of wheat as contained in West Shore Railroad Company freight tariff P. S. C., 2 N. Y., No. 236, issued jointly with the Dunkirk, Allegheny Valley and Pittsburgh railroad and The Lake Shore and Michigan Southern Railway Company, filed with the Commission September 25, 1907. Apparently the transportation charge was borne by complainant. At the time said shipment moved there were in effect on carload shipments of wheat local rates of 4 cents per hundred pounds from Clarence to Buffalo, as contained in West Shore Railroad Company freight tariff P. S. C., 2 N. Y., No. 192, filed with the Commission September 23, 1907, and 5 cents per hundred pounds applying from Buffalo via Dunkirk to Fredonia, as contained in The Lake Shore and Michigan Southern Railway Company freight tariff P. S. C., 2 N. Y., No. 14, issued jointly with the Dunkirk, Allegheny Valley and Pittsburgh railroad, filed with the Commission September 23, 1907. Effective October 29, 1909, in accordance with special permission order of the Commission No. 1259, a rate of 9 cents per hundred pounds was established on carload shipments of wheat applying from Clarence via Buffalo and Dunkirk to Fredonia as shown by West Shore Railroad Company freight tariff P. S. C., 2 N. Y., No. 1831, issued jointly with the Dunkirk, Allegheny Valley and Pittsburgh railroad and The Lake Shore and Michigan Southern Railway Company, filed with the Commission October 21, 1909. Complainant claims, and respondents admit, that the said rate of 12 cents per hundred pounds was excessive, and respondents further admit that the said reduced rate of 9 cents per hundred pounds which was made effective October 29, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $48, the amount collected upon said shipment, and $36, the sum produced by a rate of 9 cents per hundred pounds upon a carload weight of 40,000 pounds, that is to say, $12, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, John R. Ebersole, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and The Lake Shore and Michigan Southern Railway Company, the sum of $12 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $48 for transportation of the shipment aforesaid.

[Case No. 1470]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

S. G. CRUMP, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $61.60.

Upon shipments of three carloads of ice forwarded on March 6 and 18, 1908, over the New York Central and Hudson River railroad from Cayuga to West Rush within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, S. G. Crump, for the transportation thereof the sum of $105.60, computed at a rate of 6 cents per hundred pounds upon an aggregate weight of 176,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. Respondent states that at the time said shipments moved there was no commodity rate in effect on carload shipments of ice from said point of shipment to destination; that on account of the scarcity of ice during the winter of 1908-1909 complainant found it necessary to procure his supply of ice at Cayuga, and the shipments were forwarded by complainant late in the season without previous arrangement for reasonable rate; that if previous to the transportation of said shipments it had been requested to establish a rate of 50 cents per net ton applicable on carloads of ice from Cayuga to West Rush it would have done so. During the period from March 6 to 18, 1908, respondent had in effect a rate of 50 cents per net ton on carload shipments of ice applying from Cayuga to Rochester, N. Y., and other points in the same territory equally or more distant from Cayuga than West Rush, as shown by its freight tariff P. S. C., 2 N. Y., No. 5211, filed with the Commission January 20, 1909. Effective October 4, 1909, respondent established a rate of 50 cents per net ton on ice, carloads, from Cayuga to West Rush, as shown by its tariff P. S. C., 2 N. Y., No. 6747, filed with the Commission September 1, 1909. Complainant claims, and respondent admits, that the said rate of 6 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 50 cents per net ton which was made effective October 4, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $105.60, the amount collected upon said shipments, and $44, the sum produced by a rate of 50 cents per net ton upon an aggregate weight of 176,000 pounds, that is to say, $61.60, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, S. G. Crump, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $61.60 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $105.60 for transportation of the shipments aforesaid.

[Case No. 1471]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman.
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE.
JOHN B. OLMSTED.
Commissioners.

CORRIGAN, MCKINNEY & COMPANY, complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, respondents.

Authority to refund $45.28.

Upon shipments of two carloads of sand pig iron transported respectively on August 5 and 18, 1908, from Charlotte, N. Y., on the New York Central and Hudson River railroad and via Oneida, N. Y., and the New York, Ontario and Western railway to Munns, N. Y., respondents, The New York Central and Hudson River Railroad Company and New York, Ontario and Western Railway Company, charged and collected for the transportation thereof the sum of $126.76, computed at a rate of $2.10 per ton of 2268 pounds upon an aggregate weight of 136,920 pounds. Such charge was assessed in accordance with effective sixth-class rate contained in The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 2699, issued jointly with New York, Ontario and Western Railway Company, filed with the Commission October 28, 1907. It appears that the transportation charges were paid by the consignee and credit therefor allowed to the consignee by complainants, consignors. Respondent, The New York Central and Hudson River Railroad Company, states that for several years prior to April 19, 1908, there was in force a commodity rate of $1.35 per gross ton on pig iron, carloads, applying from Charlotte to Munns, and which was canceled through misunderstanding to the effect that no shipments of said commodity were being forwarded from Charlotte to Munns. Effective August 29, 1908, in accordance with special permission order of the Commission No. 531, a rate of $1.35 per ton of 2268 pounds upon sand pig iron was established, applying from Charlotte to Munns, as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 4675, issued jointly with New York, Ontario and Western Railway Company, filed with the Commission August 27, 1908. Complainants claim, and respondents admit, that the said rate of $2.10 per ton of 2268 pounds was excessive, and respondents further admit that the said reëstablished rate of $1.35 per ton of 2,268 pounds which was made effective August 29, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $126.76, the amount collected upon said shipments, and $81.48, the sum produced by a rate of $1.35 per ton of 2268 pounds upon an aggregate weight of 136,920 pounds, that is to say, $45.28, should be allowed to complainants upon said shipments, it is

Ordered: That the complainants, Corrigan, McKinney & Company, are entitled to recover from respondents, The New York Central and Hudson River Railroad Company and New York, Ontario and Western Railway Company, the sum of $45.28 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $126.76 for transportation of the shipments aforesaid.

[Case No. 1472]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1910.

Present:
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE.
Commissioners.

C. S. MERRILL, complainant, *v.* LEHIGH VALLEY RAILROAD COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondents.

Authority to refund 6.96.

Upon a shipment of one carload of lumber transported on June 21, 1909, from VanEtten, N. Y., on the Lehigh Valley railroad, via Geneva, N. Y., to Canandaigua, N. Y., on the New York Central and Hudson River railroad, respondents, Lehigh Valley Railroad Company and The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $44.08, computed at a rate of 9½ cents per hundred pounds upon a carload weight of 46,400 pounds. Such charge was assessed in accordance with effective sixth-class rate on said commodity, carloads, as contained in Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-179, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission September 30, 1907. Apparently the transportation charge was borne by complainant. At the time said shipment moved there was in effect a rate of $1.60 per net ton upon carload shipments of lumber from VanEtten via Geneva to Rochester, N. Y., Canandaigua being intermediate thereto, as shown by Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-834, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission April 8, 1908, but which rate was inapplicable to the shipment transported as aforesaid. Effective November 22, 1909, a rate of $1.60 per net ton was established on carload shipments of lumber applying from VanEtten via Geneva to Canandaigua, as shown by Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-1420, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission October 22, 1909. Complainant claims, and respondents admit, that the said rate of 9½ cents per hundred pounds was excessive, and respondents further admit that the said reduced rate of $1.60 per net ton which was made effective November 22, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $44.08, the amount collected upon said shipment, and $37.12, the sum produced by a rate of $1.60 per net ton upon a carload weight of 46,400 pounds, that is to say, $6.96, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, C. S. Merrill, is entitled to recover from respondents, Lehigh Valley Railroad Company and The New York Central and Hudson River Railroad Company, the sum of $6.96 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $44.08 for transportation of the shipment aforesaid.

[Case No. 1473]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1910.

Present:
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

FEDERAL MILLING COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $33.

Upon a shipment of one carload of wheat transported on April 26, 1909, from Byron Center, N. Y., on the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) to Lockport, N. Y., on the New York Central and Hudson River railroad, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Federal Milling Company, for the transportation thereof the sum of $63, computed at a rate of 10½ cents per hundred pounds upon a carload weight of 60,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of wheat as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 204, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission September 24, 1907. At the time said shipment moved there was in effect on wheat, carloads, a commodity rate of 5 cents per hundred pounds applying from Byron, N. Y., on the New York Central and Hudson River railroad and which is adjacent to Byron Center on the West Shore railroad, to Lockport, as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 5303, filed with the Commission February 11, 1909. Effective June 24, 1909, a rate of 5 cents per hundred pounds was established on carload shipments of wheat applying from Byron Center to Lockport, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1626, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission May 24, 1909. Complainant claims, and respondent admits, that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 5 cents per hundred pounds which was made effective June 24, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $63, the amount collected upon said shipment, and $30, the sum produced by a rate of 5 cents per hundred pounds upon a carload weight of 60,000 pounds, that is to say, $33, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, Federal Milling Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $33 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $63 for transportation of the shipment aforesaid.

[Case No. 1474]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1910.

Present:
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

CHARLES WAKEMAN, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $0.95.

Upon a less than carload shipment of scrap brass on September 2, 1909, over the New York Central and Hudson River railroad from Piercefield to Watertown within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Charles Wakeman, for the transportation thereof the sum of $37.05, computed at a rate of 39 cents per hundred pounds upon a weight of 9500 pounds. Such charge was assessed in accordance with effective third-class rate on less than carload shipments of scrap brass as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 5751, filed with the Commission April 28, 1909. At the time said shipment moved respondent had in effect third-class rates of 20 cents per hundred pounds applying from Piercefield to Remsen, N. Y., as contained in its freight tariff P. S. C., 2 N. Y., No. 4455, filed with the Commission August 27, 1908, and 18 cents per hundred pounds applying from Remsen to Watertown, as contained in its freight tariff P. S. C., 2 N. Y., No. 6581, filed with the Commission July 29, 1909, a combination through rate of 38 cents per hundred pounds, but inapplicable to the shipment transported as aforesaid. Effective December 8, 1909, respondent established a rate of 38 cents per hundred pounds on scrap brass, less than carloads, from Piercefield to Watertown, as shown by its freight tariff P. S. C., 2 N. Y., No. 7112, filed with the Commission November 6, 1909. Complainant claims, and respondent admits, that the said rate of 39 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 38 cents per hundred pounds which was made effective December 8, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $37.05, the amount collected upon said shipment, and $36.10, the sum produced by a rate of 38 cents per hundred pounds upon a weight of 9500 pounds, that is to say, 95 cents, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, Charles Wakeman, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of 95 cents as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $37.05 for transportation of the shipment aforesaid.

[Case No. 1475]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1910.

Present:
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE.
Commissioners.

MCNEIL LUMBER COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $16.89.

Upon a shipment of one carload of lumber transported on May 24, 1909 over the New York Central and Hudson River railroad from Buffalo to Fulton Chain within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $112.60, computed at a rate of 20 cents per hundred pounds upon a carload weight of 56,300 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 3675, filed with the Commission April 17, 1908. It appears that the transportation charge was paid by the consignees and credit therefor allowed to the consignees by complainant, consignor. At the time said shipment moved respondent had in effect on lumber, carloads, sixth-class rate of 10 cents per hundred pounds applying from Buffalo to Utica, N. Y., as shown by its freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, and a commodity rate of 7 cents per hundred pounds applying from Utica to Fulton Chain, as shown by its freight tariff P. S. C., 2 N. Y., No. 4055, filed with the Commission June 5, 1908, a combination rate of 17 cents per hundred pounds, but inapplicable to the shipment transported as aforesaid. Effective September 3, 1909, respondent established a commodity rate of 17 cents per hundred pounds on carload shipments of lumber applying from Buffalo to Fulton Chain, as shown by its freight tariff P. S. C., 2 N. Y., No. 6619, filed with the Commission August 2, 1909. Complainant claims, and respondent admits, that the said rate of 20 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 17 cents per hundred pounds which was made effective September 3, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $112.60, the amount collected upon said shipment, and $95.71, the sum produced by a rate of 17 cents per hundred pounds upon a carload weight of 56,300 pounds, that is to say, $16.89, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, McNeil Lumber Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $16.89 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $112.60 for transportation of the shipment aforesaid.

[Case No. 1476]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1910.

Present:
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

C. B. WHITMORE COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $37.68.

Upon shipments of two carloads of rough curb stone of aggregate weight 137,000 pounds, transported over the New York Central and Hudson River railroad, respectively from Albion, N. Y., to Lockport, N. Y., on June 27, 1908, and from Fancher, N. Y., to Lockport, N. Y., on August 7, 1908, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, C. B. Whitmore Company, for the transportation thereof the sum of $68.50, as follows: from Albion to Lockport, 66,600 pounds, at 5 cents per hundred pounds, $33.30; from Fancher to Lockport, 70,400 pounds, at 5 cents per hundred pounds, $35.20; such charges were assessed in accordance with effective sixth-class rate on carload shipments of said commodity, applying from said points of shipment to destination as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. At the time said shipments moved respondent had in effect on carload shipments of rough curb stone a rate of 45 cents per net ton applying from Albion and Fancher to Buffalo, N. Y., Lockport being intermediate thereto, as shown by its freight tariffs P. S. C., 2 N. Y., No. 3829, filed with the Commission April 27, 1908, and P. S. C., 2 N. Y., No. 4130, filed with the Commission June 24, 1908, but said rate was inapplicable to the shipments transported as aforesaid. Effective November 4, 1909, respondent established a rate of 45 cents per net ton on rough curb stone, carloads, applying from Albion and Fancher to Lockport, as shown by its freight tariff P. S. C., 2 N. Y., No. 6973, filed with the Commission October 4, 1909. Complainant claims, and respondent admits, that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 45 cents per net ton which was made effective November 4, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $68.50, the aggregate amount collected upon said shipments, and $30.82, the sum produced by a rate of 45 cents per net ton upon an aggregate weight of 137,000 pounds, that is to say, $37.68, should be allowed to the complainant upon said shipments, it is

Ordered: That the complainant, C. B. Whitmore Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $37.68 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $68.50 transportation of the shipments aforesaid.

[Case No. 1490]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

TAGGARTS PAPER COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $71.10.

Upon shipments of five carloads of wood pulp forwarded during the period from October 6 to 16, 1909, over the New York Central and Hudson River railroad from Lyons Falls to Felts Mills within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Taggarts Paper Company, for the transportation thereof the sum of $170.64, computed at a rate of 6 cents per hundred pounds upon an aggregate weight of 284,400 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6581, filed with the Commission July 29, 1909. Previous to September 1, 1909, respondent had in effect a commodity rate of 3½ cents per hundred pounds on wood pulp, carloads, applying from said point of shipment to destination, as shown by its freight tariff P. S. C., 2 N. Y., No. 6332, filed with the Commission May 25, 1909. Respondent states that said last named rate was canceled through misunderstanding that shipments of wood pulp were not liable to be offered for transportation from Lyons Falls to Felts Mills, which cancellation appears by its freight tariff P. S. C., 2 N. Y., No. 6598, filed with the Commission July 30, 1909; that as soon as its attention was called to the fact that shipments of wood pulp were being forwarded from and to said points it reëstablished, in accordance with special permission order of the Commission No. 1252, a rate of 3½ cents per hundred pounds on carload shipments of said commodity, as shown by its freight tariff P. S. C., 2 N. Y., No. 7028, effective October 19, 1909, filed with the Commission October 16, 1909. Complainant claims, and respondent admits, that the said rate of 6 cents per hundred pounds was excessive, and respondent further admits that the said rate of 3½ cents per hundred pounds which was reëstablished and made effective October 19, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $170.64, the amount collected upon said shipments, and $99.54, the sum produced by a rate of 3½ cents per hundred pounds upon an aggregate weight of 284,400 pounds, that is to say, $71.10, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Taggarts Paper Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $71.10 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $170.64 for transportation of the shipments aforesaid.

[Case No. 1491]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

F. S. DEVITO, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and LITTLE FALLS AND DOLGEVILLE RAILROAD COMPANY, respondents.

Authority for adjustment of freight charges.

Upon shipments of nine carloads of brick transported during the period from September 12 to October 22, 1908, from Utica, N. Y., over the New York Central and Hudson River railroad via Little Falls, N. Y., and the Little Falls and Dolgeville railroad to Dolgeville, N. Y., respondents, The New York Central and Hudson River Railroad Company and Little Falls and Dolgeville Railroad Company, charged and collected from complainant, F. S. DeVito, for the transportation thereof the sum of $419.72, computed at a rate of 7 cents per hundred pounds upon an aggregate weight of 599,600 pounds. This rate was erroneously applied, as there was in effect during the period said shipments moved a through rate of 10½ cents per hundred pounds on carload shipments of brick applying from Utica via Little Falls to Dolgeville, as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 2858, issued jointly with Little Falls and Dolgeville Railroad Company, filed with the Commission December 3, 1907. During the period from September 12 to September 20, inclusive, 1908, there was in effect on carload shipments of brick local rates of 3 cents per hundred pounds applying from Utica to Little Falls, as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 3805, filed with the Commission April 22, 1908, and 6 cents per hundred pounds applying from Little Falls to Dolgeville, as shown by Little Falls and Dolgeville Railroad Company freight tariff P. S. C., 2 N. Y., No. 14, filed with the Commission September 14, 1907; also during the period from September 21 to October 22, inclusive, 1908, local rates of 3 cents per hundred pounds applying from Utica to Little Falls, as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 3805, filed with the Commission April 22, 1908, and 4 cents per hundred pounds applying from Little Falls to Dolgeville, as shown by Little Falls and Dolgeville Railroad Company freight tariff P. S. C., 2 N. Y., No. 86, filed with the Commission September 17, 1908. Said local rates or combination thereof were inapplicable to the shipments transported as aforesaid. Subsequent to the collection of the transportation charges on the basis of 7 cents per hundred pounds, respondents rendered to complainant corrected freight bills based on the said effective rate of 10½ cents per hundred pounds, and the difference between $419.72, the amount collected, and $628.58, the corrected aggregate transportation charge, or $208.86, is still outstanding. Effective January 8, 1909, a commodity rate of 7 cents per hundred pounds was established on carload shipments of brick from Utica via Little Falls to Dolgeville, as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 5064, issued jointly with Little Falls and Dolgeville Railroad Company, filed with the Commission December 7, 1908. Complainant claims, and respondents admit, that the said rate of 10½ cents per hundred pounds was excessive, and respondents further admit that the said reduced rate of 7 cents per hundred pounds which was made effective January 8, 1909, would be a just and reasonable charge applied to the shipments in question. Therefore, upon the papers on file, including reduction of the rate challenged, respondents' concession

that the aggregate transportation charge as sought to be applied is excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, F. S. DeVito, is entitled to have the charge upon said shipments as aforesaid adjusted by respondents, The New York Central and Hudson River Railroad Company and Little Falls and Dolgeville Railroad Company, upon the basis of said reduced rate of 7 cents per hundred pounds, which respondents admit would be reasonable and just and which will result in a charge of $419.72, instead of on the basis of said excessive rate of 10½ cents per hundred pounds in effect during the period said shipments moved.

[Case No. 1492]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

UNITED AMERICAN IRON & STEEL CO., complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $32.

Upon a shipment of one carload of wood pulp screenings transported on September 20, 1909, over the New York Central and Hudson River railroad from Carthage to North Tonawanda within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $96, computed at a rate of 12 cents per hundred pounds upon a carload weight of 80,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on said commodity, carloads, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 6579, filed with the Commission July 29, 1909. It appears that the transportation charge was paid by the consignee and credit therefor allowed to consignee by complainant, consignor. Previous to September 1, 1909, respondent had in effect a rate of 8 cents per hundred pounds on carload shipments of wood pulp screenings applying from said point of shipment to destination as shown by its freight tariff P. S. C., 2 N. Y., No. 6332, filed with the Commission May 25, 1909, which rate was canceled by respondent in its freight tariff P. S. C., 2 N. Y., No. 6598, filed with the Commission July 30, 1909, through misunderstanding that shipments of said commodity were not liable to be offered for transportation from Carthage to North Tonawanda. Respondent states that upon its attention being called to the fact that shipments of wood pulp screenings were being forwarded from Carthage to North Tonawanda in carload lots it reëstablished a rate of 8 cents per hundred pounds thereon, as shown by its freight tariff P. S. C., 2 N. Y., No. 7042, effective November 20, 1909, filed with the Commission October 19, 1909. Complainant claims, and respondent admits, that the said rate of 12 cents per hundred pounds was excessive, and respondent further admits that the said rate of 8 cents per hundred pounds which was made effective November 20, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $96, the amount collected upon said shipment, and $64, the sum produced by a rate of 8 cents per hundred pounds upon a carload weight of 80,000 pounds, that is to say, $32, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, United American Iron & Steel Co., is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $32 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $96 for transportation of the shipment aforesaid.

[Case No. 1521]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

M. H. MARSHALL, complainant, *v.* CENTRAL NEW ENGLAND RAILWAY COMPANY and THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, respondents.

Authority for adjustment of freight charges.

Upon shipments of five carloads of ice transported on March 3 and 4, 1909, from Billings, N. Y., on the Central New England railway, to Stormville, N. Y., on the New York, New Haven and Hartford railroad, respondents, Central New England Railway Company and The New York, New Haven and Hartford Railroad Company, charged complainant for the transportation thereof the sum of $220, computed at a rate of 11 cents per hundred pounds upon an aggregate weight of 200,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of ice as contained in Central New England Railway Company freight tariff P. S. C., 2 N. Y., No. 259, issued jointly with The New York, New Haven and Hartford Railroad Company, filed with the Commission October 24, 1907. It appears that previous to the movement of said shipments complainant was quoted by respondent for the transportation involved a rate of 90 cents per net ton, to be made effective with the permission of this Commission upon short notice in accordance with the rules of the Commission. Effective March 5, 1909, in accordance with special permission order of the Commission No. 829, a rate of 90 cents per net ton was established on carload shipments of ice from Billings to Stormville, as shown by Central New England Railway Company freight tariff P. S. C., 2 N. Y., No. 441, issued jointly with The New York, New Haven and Hartford Railroad Company, filed with the Commission March 3, 1909, but before the effective date of said reduced rate complainant through misunderstanding ordered the transportation of the shipments as above described and which were necessarily charged at the rate of 11 cents per hundred pounds then in effect. It also appears that complainant has paid to respondents transportation charges amounting in the aggregate to $90, based on the rate of 90 cents per net ton first quoted to him, which charges were later corrected by respondents to the basis of 11 cents per hundred pounds applied to an aggregate weight of 200,000 pounds, amounting to $220, and the difference between $90 and $220, that is to say, $130, is still outstanding. Therefore, upon the papers on file, including reduction of the rate challenged, respondents' concession that the transportation charges as sought to be applied were excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, M. H. Marshall, is entitled to have the charges upon said shipments adjusted by respondents, Central New England Railway Company and The New York, New Haven and Hartford Railroad Company, upon the basis of said reduced rate of 90 cents per net ton, which respondents state would be reasonable and which would result in a charge of $90 as applied to an aggregate weight of 200,000 pounds, instead of said excessive rate of 11 cents per hundred pounds in effect at the time said shipments moved.

[Case No. 1522]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

IRVING P. FRALEIGH, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority for adjustment of freight charges.

Upon shipments of six mixed carloads of cattle, calves, sheep, and hogs, transported respectively on September 1, 16, October 6, 13, 20, and 27, 1908, from Barrytown, N. Y., to 60th Street Stock Yards, New York city, respondent, The New York Central and Hudson River Railroad Company, erroneously charged and collected for the transportation thereof the sum of $132, computed at a rate of 11 cents per hundred pounds upon an aggregate weight of 120,000 pounds. It appears that the transportation charges were paid by the consignees and credit therefor allowed by complainant, consignor. It also appears that subsequent to the collection of charges as herein described respondent served complainant with corrected bills based on a rate of 16 cents per hundred pounds, the tariff authority for which is not on file with this Commission, amounting in the aggregate to $192, and the difference between said corrected amount and $132, the amount collected, or $60, is still outstanding. Effective February 1, 1910, respondent established a rate of 11 cents per hundred pounds on mixed carload shipments of cattle, calves, sheep, or hogs, minimum weight 20,000 pounds, applying from said point of shipment to destination, as shown by its freight tariff P. S. C., 2 N. Y., No. 7319, filed with the Commission December 31, 1909. Complainant claims, and respondent admits, that the said rate of 16 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 11 cents per hundred pounds which was made effective February 1, 1910, would be a just and reasonable charge applied to the shipments in question. Therefore, upon the papers on file, including reduction of the rate challenged, respondent's concession that the transportation charges as sought to be applied are excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, Irving P. Fraleigh, is entitled to have the charges upon said shipments adjusted by respondent, The New York Central and Hudson River Railroad Company, upon the basis of said reduced rate of 11 cents per hundred pounds, which respondent states would be reasonable and which would result in a charge of $132 as applied to a corrected weight of 120,000 pounds, instead of said excessive rate of 16 cents per hundred pounds as sought to be applied on said shipments.

[Case No. 1523]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

LYONS BEET SUGAR REFINING COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and LEHIGH VALLEY RAILROAD COMPANY, respondents.

Authority to refund $185.95.

During October and November, 1908, upon shipments of eight carloads of beets, respondents, The New York Central and Hudson River Railroad Company and Lehigh Valley Railroad Company, charged and collected from complainant, Lyons Beet Sugar Refining Company, the sum of $355.74 for the transportation thereof, computed at the effective fifth-class rate of 11 cents per hundred pounds upon an aggregate weight of 323,400 pounds, in accordance with Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-179, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission September 30, 1907, as follows: seven cars forwarded during the period from October 22 to November 7, 1908, from Atwater, N. Y., on the Lehigh Valley railroad, via Cayuga, N. Y., and the New York Central and Hudson River railroad to Lyons, N. Y., of aggregate weight 276.500 pounds, at 11 cents per hundred pounds, $304.15; one car forwarded on November 21, 1908, from Owasco Lake, N. Y., on the Lehigh Valley railroad, via Auburn, N. Y., and the New York Central and Hudson River railroad to Lyons, N. Y., of weight 46,900 pounds, at 11 cents per hundred pounds, $51.59; total, $355.74. During the period said shipments moved there was in effect on carload shipments of beets a rate of 50 cents per net ton from Atwater to Auburn applicable only to shipments when destined to Lyons via the New York Central and Hudson River railroad as shown by Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-219, filed with the Commission September 30, 1907, and a rate of 55 cents per net ton from Auburn to Lyons as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 4145, filed with the Commission June 27, 1908, a combination of $1.05 per net ton but inapplicable to the shipments transported as aforesaid. Effective July 17, 1909, a rate of $1.05 per net ton was established on carload shipments of beets from Atwater via Cayuga to Lyons, and from Owasco Lake via Auburn to Lyons, as shown by Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-1277, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission June 16, 1909, and which is the rate at present in effect from said points of shipment via said routes to destination as contained in Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-1373, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission August 23, 1909. Complainant claims, and respondents admit, that the said rate of 11 cents per hundred pounds was excessive, and respondents further admit that the said reduced rate of $1.05 per net ton which was made effective July 17, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $355.74, the aggregate amount collected upon said shipments, and $169.79, the sum produced by a rate of $1.05 per net ton upon an aggregate weight of 323,400 pounds, that is to say, $185.95, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Lyons Beet Sugar Refining Company, is entitled to recover from respondents, The New York Central and Hudson

River Railroad Company and Lehigh Valley Railroad Company, the sum of $185.95 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $355.74 for transportation of the shipments aforesaid.

[Case No. 1524]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

LOCKPORT ICE & COLD STORAGE CO., complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $30.67.

Upon shipments of three carloads of evaporated apples of aggregate weight 840,000 pounds on April 15 and 20, 1909, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Lockport Ice & Cold Storage Co., for the transportation thereof the sum of $105, computed at the effective rate of 12½ cents per hundred pounds as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907, as follows: from Sodus, N. Y., to Lockport, N. Y., April 15, 1909, two carloads of aggregate weight 58,600 pounds, $73.25; from Williamson, N. Y., to Lockport, N. Y., April 20, 1909, one carload of weight 25,400 pounds, $31.75: total, $105. It appears that previous to the movement of said shipments respondent contemplated the reduction of said rate of 12½ cents per hundred pounds and so advised complainant, but through inadvertence and before the reduced rate became effective complainant ordered the movement of said shipments as above described. Effective May 12, 1909, in its freight tariff P. S. C., 2 N. Y., No. 5546, filed with the Commission April 10, 1909, respondent established on carload shipments of evaporated apples a rate of 9 cents per hundred pounds applying from Sodus to Lockport, and a rate of 8½ cents per hundred pounds applying from Williamson to Lockport. Complainant claims, and respondent admits, that the said rate of 12½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rates of 9 cents per hundred pounds from Sodus to Lockport and of 8½ cents per hundred pounds from Williamson to Lockport would be just and reasonable charges applied to the shipments in question. Said reduced rates applied to said shipments would result as follows: from Sodus to Lockport, two carloads of aggregate weight 58,600 pounds at 9 cents per hundred pounds, $52.74; from Williamson to Lockport, one carload of weight 25,400 pounds at 8½ cents per hundred pounds, $21.59: total, $74.33. It appearing to the Commission that reparation to the extent of the difference between $105, the amount collected upon said shipments, and $74.33, the sum produced by said reduced rates applied to the shipments as aforesaid, that is to say, $30.67, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Lockport Ice & Cold Storage Co., is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $30.67 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $105 for transportation of the shipments aforesaid.

[Case No. 1525]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

BACON & COMPANY, complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $1.70.

Upon a shipment of one carload of lumber transported on or about September 18, 1909, from North Tonawanda to Appleton within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainants, Bacon & Company, for the transportation thereof the sum of $22.10, computed at a rate of 6½ cents per hundred pounds upon a carload weight of 34,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on shipments of lumber, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6579, filed with the Commission July 29, 1909. At the time said shipment was forwarded there was in effect on carload shipments of lumber a rate of 6 cents per hundred pounds applying from North Tonawanda to Lyndonville, Appleton being intermediate thereto, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 6634, filed with the Commission July 31, 1909, and respondent states that in the issuance of said last named tariff and through inadvertence the application of said last named rate to Appleton was omitted. Effective November 6, 1909, a rate of 6 cents per hundred pounds was established on carload shipments of lumber from North Tonawanda to Appleton, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 6937, filed with the Commission October 6, 1909. Complainants claim, and respondent admits, that the said rate of 6½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 6 cents per hundred pounds which was made effective November 6, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $22.10, the amount collected upon said shipment, and $20.40, the sum produced by a rate of 6 cents per hundred pounds upon a carload weight of 34,000 pounds, that is to say, $1.70, should be allowed to complainants upon said shipment, it is

Ordered: That the complainants, Bacon & Company, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $1.70 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $22.10 for transportation of the shipment aforesaid.

[Case No. 1526]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

George Van Dyke, complainant, *v.* The New York Central and Hudson River Railroad Company, respondent.

Authority for adjustment of freight charges.

Upon shipments of four mixed carloads of cattle, calves, sheep, and hogs, transported respectively on September 8, 22, 29, and October 13, 1908, from Linlithgo, N. Y., to 60th Street Stock Yards, New York city, respondent, The New York Central and Hudson River Railroad Company, erroneously charged and collected from complainant, George Van Dyke, for the transportation thereof the sum of $88, computed at a rate of 11 cents per hundred pounds upon an aggregate weight of 80,000 pounds. It appears that subsequent to the collection of charges as herein described respondent served complainant with corrected bills based on a rate of 16 cents per hundred pounds, the tariff authority for which is not on file with this Commission, amounting in the aggregate to $128, and the difference between said corrected amount and $88, the amount collected, or $40, is still outstanding. Effective February 1, 1910, respondent established a rate of 11 cents per hundred pounds on mixed carload shipments of cattle, calves, sheep, or hogs, minimum weight 20,000 pounds, applying from said point of shipment to destination, as shown by its freight tariff P. S. C., 2 N. Y., No. 7319, filed with the Commission December 31, 1909. Complainant claims, and respondent admits, that the said rate of 16 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 11 cents per hundred pounds which was made effective February 1, 1910, would be a just and reasonable charge applied to the shipments in question. Therefore, upon the papers on file, including reduction of the rate challenged, respondent's concession that the transportation charges as sought to be applied are excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, George Van Dyke, is entitled to have the charges upon said shipments adjusted by respondent, The New York Central and Hudson River Railroad Company, upon the basis of said reduced rate of 11 cents per hundred pounds, which respondent states would be reasonable and which would result in a charge of $88 as applied to an aggregate weight of 80,000 pounds, instead of said excessive rate of 16 cents per hundred pounds as sought to be applied on said shipments.

[Case No. 1527]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

C. H. MERRICK, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $32.69.

Upon a shipment of one carload of brick, 15,000 hollow brick and 650 common brick, of total weight 50,300 pounds, on June 11, 1908, from East Syracuse, N. Y., over the New York Central and Hudson River railroad to Ilion, N. Y., on the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $52.81, computed at a rate of 10½ cents per hundred pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of brick, common or hollow, from DeWitt, N. Y. (now East Syracuse), on the New York Central and Hudson River railroad to Ilion on the West Shore railroad, as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 1740, issued jointly with the West Shore railroad, filed with the Commission September 24, 1907. The transportation charge apparently was borne by complainant. At the time said shipment moved there were no commodity rates on brick of any kind in force from said point of shipment to destination, but on May 27, 1908, respondent filed with the Commission its freight tariff P. S. C., 2 N. Y., No. 4000, issued jointly with the West Shore railroad, effective June 29, 1908, which established a rate of 80 cents per net ton on common and building brick; and effective October 28, 1909, a rate of 80 cents per net ton was also established on hollow brick, as shown by supplement No. 7 to respondent's freight tariff P. S. C., 2 N. Y., No. 4873, issued jointly with the West Shore railroad, filed with the Commission September 27, 1909, said last named rates applying from East Syracuse on the New York Central and Hudson River railroad to Ilion on the West Shore railroad. Complainant states that when said shipment was forwarded he supposed the effective rate was 80 cents per net ton. Complainant claims, and respondent admits, that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 80 cents per net ton which was made effective on common and hollow brick on October 28, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $52.81, the amount collected upon said shipment, and $20.12, the sum produced by a rate of 80 cents per net ton upon a carload weight of 50,300 pounds, that is to say, $32.69, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, C. H. Merrick, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $32.69 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $52.81 for transportation of the shipment aforesaid.

[Case No. 1528]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

H. G. ANDERSON & COMPANY, complainants, *v.* ERIE RAILROAD COMPANY, THE DELAWARE AND HUDSON COMPANY, and NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, respondents.

Authority to refund $29.38.

Upon shipments of two carloads of wheat, one of weight 57,500 pounds transported on May 12, 1908, from Marilla, N. Y., over the Erie railroad via Binghamton, N. Y., and The Delaware and Hudson Company's railroad to Sidney, N. Y., and the New York, Ontario and Western railway to Oriskany Falls, N. Y., and one of weight 60,000 pounds transported on May 22, 1908, from Marilla, N. Y., via the same route to Franklin Springs, N. Y., respondents, Erie Railroad Company, The Delaware and Hudson Company, and New York, Ontario and Western Railway Company, charged and collected for the transportation thereof the total sum of $123.38, computed at a rate of 10½ cents per hundred pounds upon an aggregate weight of 117,500 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity as contained in Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 140, issued jointly with The Delaware and Hudson Company and New York, Ontario and Western Railway Company, filed with the Commission September 25, 1907. It appears that the transportation charges were paid by the consignees and credit therefor allowed to the consignees by complainants, consignors. During the period said shipments moved there was in effect a rate of 8 cents per hundred pounds on carload shipments of wheat applying from Buffalo, N. Y., via the route above specified to said destination points, Marilla being intermediate thereto, as shown by Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 401, issued jointly with The Delaware and Hudson Company and New York, Ontario and Western Railway Company, filed with the Commission September 30, 1907, but which rate was inapplicable to the shipments transported as aforesaid. Effective October 19, 1909, in accordance with special permission order of the Commission No. 1250, a rate of 8 cents per hundred pounds was established on wheat, carloads, applying from Marilla via Binghamton and Sidney to Oriskany Falls and Franklin Springs, as shown by supplement No. 1 to Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 1331, issued jointly with The Delaware and Hudson Company and New York, Ontario and Western Railway Company, filed with the Commission October 16, 1909. Complainants claim, and respondents admit, that the said rate of 10½ cents per hundred pounds was excessive, and respondents further admit that the said rate of 8 cents per hundred pounds which was made effective October 19, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $123.38, the aggregate amount collected upon said shipments, and $94, the sum produced by a rate of 8 cents per hundred pounds upon an aggregate weight of 117,500 pounds, that is to say, $29.38, should be allowed to complainants upon said shipments, it is

Ordered: That the complainants, H. G. Anderson & Company, are entitled to recover from respondents, Erie Railroad Company, The Delaware and Hudson Company, and New York, Ontario and Western Railway Company, the sum of $29.38 as reparation for and on account of exaction by respondents of said

unjust and unreasonable charge of $123.38 for transportation of the shipments aforesaid.

[Case No. 1529]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE SHREDDED WHEAT COMPANY, complainant, *v.* ERIE RAILROAD COMPANY, respondent. — Authority to refund $44.40.

Upon shipments of three carloads of wheat transported respectively on May 28, June 3 and 11, 1909, over the Erie railroad from Livonia to Suspension Bridge within this State, respondent, Erie Railroad Company, charged and collected from complainant, The Shredded Wheat Company, for the transportation thereof the sum of $133.21, computed at a rate of 9 cents per hundred pounds upon an aggregate weight of 148,012 pounds. Such charge was assessed in accordance with effective sixth-class rate on said commodity, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 722, filed with the Commission September 27, 1907. During the period said shipments moved there was in effect on carload shipments of wheat a rate of 6 cents per hundred pounds applying from Suspension Bridge to Livonia, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 1186, filed with the Commission March 27, 1909. Effective January 1, 1910, respondent established a rate of 6 cents per hundred pounds upon carload shipments of wheat applying from Livonia and various intermediate points to Suspension Bridge, as shown by its freight tariff P. S. C., 2 N. Y., No. 1518, filed with the Commission December 1, 1909. Complainant claims, and respondent admits, that the said rate of 9 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 6 cents per hundred pounds which was made effective January 1, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $133.21, the amount collected upon said shipments, and $88.81, the sum produced by a rate of 6 cents per hundred pounds upon an aggregate weight of 148,012 pounds, that is to say, $44.40, should be allowed to complainant upon said shipments, it is

Ordered: That complainant, The Shredded Wheat Company, is entitled to recover from respondent, Erie Railroad Company, the sum of $44 40 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $133.21 for transportation of the shipments aforesaid.

[Case No. 1530]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

UNITED AMERICAN IRON & STEEL COMPANY, complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY and THE DELAWARE AND HUDSON COMPANY, respondents.

Authority to refund $30.08.

Upon shipments of two carloads of scrap iron transported respectively on June 18 and 25, 1909, from Fulton, N. Y., over the Delaware, Lackawanna and Western railroad, and via Binghamton, N. Y., and The Delaware and Hudson Company's railroad to Albany, N. Y., respondents, The Delaware, Lackawanna and Western Railroad Company and The Delaware and Hudson Company, charged and collected from complainant, United American Iron & Steel Company, for the transportation thereof the sum of $105.28, computed at a rate of $2.10 per gross ton upon an aggregate weight of 112,300 pounds. Such charge was assessed in accordance with effective rate on carload shipments of said commodity as contained in The Delaware. Lackawanna and Western Railroad Company freight tariff P. S. C., 2 N. Y., No. 294, issued jointly with The Delaware and Hudson Company, filed with the Commission October 7, 1907. During the period said shipments moved there was in effect on scrap iron, carloads, a rate of $1.50 per gross ton applying from Oswego, N. Y., over The Delaware, Lackawanna and Western Railroad, and via Binghamton and The Delaware and Hudson Company's railroad to Albany, Fulton being intermediate thereto, as shown by The Delaware, Lackawanna and Western Railroad Company freight tariff P. S. C., 2 N. Y., No. 517, issued jointly with The Delaware and Hudson Company, filed with the Commission July 8, 1908. but which rate was inapplicable to the shipments transported as aforesaid. Effective October 22, 1909, a rate of $1.50 per gross ton was established on carload shipments of scrap iron applying from Fulton via Binghamton to Albany, as shown by supplement No. 9 to The Delaware. Lackawanna and Western Railroad Company freight tariff P. S. C.. 2 N. Y., No. 517, issued jointly with The Delaware and Hudson Company, filed with the Commission September 20, 1909. Complainant claims, and respondents admit, that the said rate of $2.10 per gross ton was excessive, and respondents further admit that the said reduced rate of $1.50 per gross ton which was made effective October 22, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $105.28, the amount collected upon said shipments, and $75.20, the sum produced by a rate of $1.50 per gross ton upon an aggregate weight of 112,300 pounds, that is to say, $30.08, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, United American Iron & Steel Company, is entitled to recover from respondents, The Delaware, Lackawanna and Western Railroad Company and The Delaware and Hudson Company, the sum of $30.08 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $105.28 for transportation of the shipments aforesaid.

[Case No. 1531]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE WM. G. DAILEY PRODUCE CO., complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $59.54.

During the period from October 17 to November 13, 1907, respondent, The New York Central and Hudson River Railroad Company, switched five carloads of wheat of aggregate weight 281,800 pounds from its track connection with the Erie railroad at Suspension Bridge, N. Y., to the siding of the Natural Food Company, consignee, at Niagara Falls, N. Y., and charged and collected for such service the sum of $84.54, computed at the effective rate of 3 cents per hundred pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. Said shipments originated at Caledonia, N. Y., and were forwarded by order of complainant over the Erie railroad for delivery to respondent at Suspension Bridge as aforesaid. It appears that the transportation charges were borne by complainant. During the period said shipments moved respondent had in effect a carload switching rate of $5 per car applying from its connection with the Erie railroad at Suspension Bridge to certain industries located on respondent's railroad at Niagara Falls in the vicinity of the Natural Food Company's plant, as shown by its freight tariff P. S. C., 2 N. Y., No. 59, filed with the Commission September 7, 1907, but the Natural Food Company's plant was not included therein. Effective September 23, 1908, in its freight tariff P. S. C., 2 N Y., No. 4671, filed with the Commission August 22, 1908, respondent included a charge of $5 per car for switching freight from its track connection with the Erie railroad at Suspension Bridge to territory in Niagara Falls which included the sidetrack used by the Natural Food Company. Complainant claims, and respondent admits, that the said rate of 3 cents per hundred pounds charged as aforesaid was excessive, and respondent further admits that the said rate of $5 per car which was made effective September 23, 1908, would be a just and reasonable charge applied to the service in question. It appearing to the Commission that reparation to the extent of the difference between $84.54, the amount collected by respondent upon said shipments, and $25, the sum produced by a rate of $5 per car upon five cars of wheat switched as aforesaid, that is to say, $59.54, should be allowed to complainant upon said shipments, it is

Ordered: That complainant, The Wm. G. Dailey Produce Co., is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $59.54 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $84.54 for the switching service as herein described.

[Case No. 1550]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

THE DEGNON CONTRACTING CO., complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $146.85.

Upon shipments of five carloads of crushed stone weighing 90,357 pounds each, forwarded on August 24, 1909, over the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) from West Nyack, N. Y., to Gardiner, N. Y., on the Wallkill Valley railroad (The New York Central and Hudson River Railroad Company, lessee), respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, The Degnon Contracting Co., for the transportation thereof the sum of $361.45, computed at a rate of 8 cents per hundred pounds, the aggregate weight of said shipments being 451,785 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of crushed stone, as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. Gardiner is the next station beyond Forest Glen on the Wallkill Valley railroad, and on the date said shipments moved there was in effect on crushed stone, carloads, a rate of 90 cents per net ton applying from West Nyack to Forest Glen, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1745, filed with the Commission August 14, 1909; also a rate of $1.10 per net ton applying from West Nyack to Walden, N. Y., Gardiner being intermediate thereto, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1535, filed with the Commission April 24, 1909. Effective August 30, 1909, in accordance with special permission order of the Commission No. 1150, a rate of 95 cents per net ton was established on carload shipments of crushed stone from West Nyack to Gardiner, as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 1754, filed with the Commission August 27, 1909, and said rate of 95 cents per net ton is at present in effect, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1901, filed with the Commission January 10, 1910. Complainant claims, and respondent admits, that the said rate of 8 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 95 cents per net ton which was made effective August 30, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $361.45, the amount collected upon said shipments, and $214.60, the sum produced by a rate of 95 cents per net ton upon an aggregate weight of 451,785 pounds, that is to say, $146.85, should be allowed to complainant upon said shipments, it is

Ordered: That complainant, The Degnon Contracting Co., is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $146.85 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $361.45 for transportation of the shipments aforesaid.

[Case No. 1551]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

H. R. GRAGG, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $21.60.

Upon a shipment of one carload of apple chops forwarded on May 27, 1908, over the New York Central and Hudson River railroad from Greece to Brighton within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, H. R. Gragg, for the transportation thereof for sum of $31.20, computed at a rate of 13 cents per hundred pounds upon a carload weight of 24,000 pounds. Such charge was assessed in accordance with effective fifth-class rate on carload shipments of said commodity, as shown by respondent's freight tariff P. S. C., 2 N. Y.. No. 2700. filed with the Commission October 28, 1907. Brighton station is within the corporate limits of the city of Rochester, and at the time said shipment moved respondent had in effect a rate of 4 cents per hundred pounds on apple chops, carloads, from Greece to Rochester, as shown by its freight tariff P. S. C., 2 N. Y., No. 2371, filed with the Commission October 15, 1907. Respondent states that subsequent to the movement of said shipment it made a general revision of its rates on cider apples, apple waste, apple chops, apple cores, and apple skins between various points on its lines, with the result that the rate on apple chops, carloads, from Greece to Brighton and Rochester was established at 5 cents per hundred pounds, as shown by supplement No. 2 to its freight tariff P. S. C., 2 N. Y., No. 4781, effective October 27, 1909, issued in accordance with special permission order of the Commission No. 1254, filed with the Commission October 25, 1909, and said rate of 5 cents per hundred pounds is at present in effect, as shown by supplement No. 1 to its freight tariff P. S. C., 2 N. Y., No. 7011, effective November 12, 1909, issued in accordance with special permission order of the Commission No. 1255, filed with the Commission October 22, 1909. Complainant claims, and respondent admits, that the said rate of 13 cents per hundred pounds was excessive, and respondent further admits that the said rate of 4 cents per hundred pounds, which was in effect at the time said shipment moved from Greece to Rochester as aforesaid, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $31.20, the amount collected upon said shipment, and $9.60, the sum produced by a rate of 4 cents per hundred pounds upon a carload weight of 24,000 pounds. that is to say, $21.60, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, H. R. Gragg, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $21.60 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $31.20 for transportation of the shipment aforesaid.

[Case No. 1552]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

St. Regis Paper Company, complainant, *v.* The New York Central and Hudson River Railroad Company, respondent. — Authority to refund $28.15.

Upon shipments of six carloads of printing paper forwarded during the period from September 24 to October 5, 1909, over the New York Central and Hudson River railroad from Carthage to Syracuse within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, St. Regis Paper Company, for the transportation thereof the sum of $253.49, computed at a rate of 9 cents per hundred pounds upon an aggregate weight of 281,676 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6581, filed with the Commission July 29, 1909. Previous to September 1, 1909, there was in effect a commodity rate of 8 cents per hundred pounds on printing paper, carloads, from Carthage to Syracuse, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 5348, filed with the Commission February 23, 1909. This tariff was canceled by superseding issues of respondent's freight tariffs and said 8 cent rate through inadvertence was omitted therefrom. Effective October 11, 1909, respondent reëstablished a rate of 8 cents per hundred pounds on carload shipments of printing paper from Carthage to Syracuse, as shown by supplement No. 1 to its freight tariff P. S. C., 2 N. Y., No. 6689, filed with the Commission September 9, 1909. Complainant claims, and respondent admits, that the said rate of 9 cents per hundred pounds was excessive, and respondent further admits that the said rate of 8 cents per hundred pounds which was reëstablished and made effective October 11, 1909, as aforesaid, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $253.49, the amount collected upon said shipments, and $225.34, the sum produced by a rate of 8 cents per hundred pounds upon an aggregate weight of 281,676 pounds, that is to say, $28.15, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, St. Regis Paper Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $28.15 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $253.49 for transportation of the shipments aforesaid.

[Case No. 1555]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

C. S. MERRILL, complainant, *v.* LEHIGH VALLEY RAILROAD COMPANY and THE PENNSYLVANIA RAILROAD COMPANY, respondents.

Authority to refund $7.63.

Upon a shipment of one carload of lumber on July 2, 1909, from Etna, N. Y., on the Lehigh Valley railroad, and via Stanley, N. Y., and the Pennsylvania railroad to Canandaigua, N. Y., respondents, Lehigh Valley Railroad Company and The Pennsylvania Railroad Company, charged and collected for the transportation thereof the sum of $36.20, computed at a rate of 9½ cents per hundred pounds upon a carload weight of 38,100 pounds. Such charge was assessed in accordance with effective sixth-class rate on said commodity, carloads, as contained in Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-473, issued jointly with The Pennsylvania Railroad Company, filed with the Commission September 30, 1907. Apparently the transportation charge was borne by complainant. Effective July 31, 1909, a rate of $1.50 per net ton was established on carload shipments of lumber, applying from Etna via Geneva, N. Y., and the New York Central and Hudson River railroad to Canandaigua, as shown by Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-1289, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission June 30, 1909; and effective November 22, 1909, a rate of $1.50 per net ton was established on carload shipments of lumber from Etna via Stanley to Canandaigua, as shown by Lehigh Valley Railroad Company freight tariff P. S. C.. 2 N. Y., No. D-1421, issued jointly with The Pennsylvania Railroad Company, filed with the Commission October 22, 1909. Complainant claims, and respondents admit, that the said rate of 9½ cents per hundred pounds was excessive, and respondents further admit that the said reduced rate of $1.50 per net ton which was made effective November 22, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $36.20, the amount collected upon said shipment, and $28.57, the sum produced by a rate of $1.50 per net ton upon a carload weight of 38,100 pounds. that is to say, $7.63, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, C. S. Merrill, is entitled to recover from respondents, Lehigh Valley Railroad Company and The Pennsylvania Railroad Company, the sum of $7.63 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $36.20 for transportation of the shipment aforesaid.

[Case No. 1556]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

H. R. Gragg, complainant, *v.* The New York Central and Hudson River Railroad Company, respondent.

Authority to refund $37.23.

Upon a shipment of one carload of apple waste forwarded on May 1, 1909, over the New York Central and Hudson River railroad from Lakeside to Brighton within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, H. R. Gragg, for the transportation thereof the sum of $56.94, computed at a rate of 13 cents per hundred pounds upon a carload weight of 43,800 pounds. Such charge was assessed in accordance with effective fifth-class rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. Brighton station is within the corporate limits of the city of Rochester, and at the time said shipment moved respondent had in effect a rate of 4½ cents per hundred pounds on apple waste, carloads, from Lakeside to Rochester, as shown by its freight tariff P. S. C., 2 N. Y., No. 2371, filed with the Commission October 15, 1907. Respondent states that subsequent to May 1, 1908, it undertook a general revision of rates on cider apples, apple waste, apple chops, apple cores, and apple skins from points on its lines to places at which cider mills are operated, with the result that the rate on said commodities, carloads, from Lakeside to Brighton and Rochester was established at 6 cents per hundred pounds, as shown by supplement No. 2 to its freight tariff P. S. C., 2 N. Y., No. 4781, effective October 27, 1909, issued in accordance with special permission order of the Commission No. 1254, filed with the Commission October 25, 1909, and said rate of 6 cents per hundred pounds is at present in effect, as shown by supplement No. 1 to its freight tariff P. S. C., 2 N. Y., No. 7011, effective November 12, 1909, issued in accordance with special permission order of the Commission No. 1255, filed with the Commission October 22, 1909. Complainant claims, and respondent admits, that the said rate of 13 cents per hundred pounds was excessive, and respondent further admits that the said rate of 4½ cents per hundred pounds, which was in effect at the time said shipment moved from Lakeside to Rochester as aforesaid, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $56.94, the amount collected upon said shipment, and $19.71, the sum produced by a rate of 4½ cents per hundred pounds upon a carload weight of 43,800 pounds, that is to say, $37.23, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, H. R. Gragg, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $37.23 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $56.94 for transportation of the shipment aforesaid.

[Case No. 1589]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

CORNELL & HEWES, complainants, *v.* JAMESTOWN, CHAUTAUQUA AND LAKE ERIE RAILWAY COMPANY and THE PENNSYLVANIA RAILROAD COMPANY, respondents.

Whereas, It appears that on or about November 18, 1909, respondents transported for complainants a carload shipment of ice of weight 40,000 pounds from Chautauqua, N. Y., over the Jamestown, Chautauqua and Lake Erie railway and via Mayville, N. Y., and the Pennsylvania railroad to Angola, N. Y., for which transportation the effective rate of $1.60 per net ton, as shown by The Pennsylvania Railroad Company freight tariff S .S., P. S. C., 2 N. Y., No. 567, issued jointly with the Jamestown, Chautauqua and Lake Erie Railway Company, filed with the Commission September 8, 1909, and which rate applied to said shipment would amount to $32; and

Whereas, It appears that at the time said shipment moved there was in effect on carload shipments of ice from Chautauqua over said route to Buffalo, N. Y., Angola being intermediate thereto, a rate of 60 cents per net ton, as shown by Jamestown, Chautauqua and Lake Erie Railway Company freight tariff P. S. C., 2 N. Y., No. 69, issued jointly with The Pennsylvania Railroad Company, filed with the Commission September 30, 1909, but which rate was inapplicable to said shipment; and

Whereas, It appears that effective April 26, 1910, the rate on carload shipments of ice from Chautauqua over said route to Angola will be 60 cents per net ton, as shown by supplement No. 3 to Jamestown, Chautauqua and Lake Erie Railway Company freight tariff P. S. C., 2 N. Y., No. 69, issued jointly with The Pennsylvania Railroad Company, filed with the Commission March 24, 1910, and which rate applied to said shipment would amount to $12; and

Whereas, Respondents concede that said rate of $1.60 per net ton as sought to be applied on said shipment is unjust and unreasonable, and that said reduced rate of 60 cents per net ton which will be made effective April 26, 1910, would be a just and reasonable charge applied to said shipment;

Resolved, That in the opinion of the Commission the complainants, Cornell & Hewes, are entitled to have the charge upon said shipment adjusted by respondents, Jamestown, Chautauqua and Lake Erie Railway Company and The Pennsylvania Railroad Company, upon the basis of said reduced rate of 60 cents per net ton instead of on the basis of said unjust and unreasonable rate of $1.60 per net ton as sought to be applied.

[Case No. 1587]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the Matter of J. P. LEWIS COMPANY, complainant, *v.* THE LOWVILLE AND BEAVER RIVER RAILROAD COMPANY, respondent.

After due deliberation it is

Ordered: In the matter of J. P Lewis Company, complainant, *v.* The Lowville and Beaver River Railroad Company, respondent, as to alleged unreasonable charge on shipment of one carload of waste paper on March 4, 1909, from Lowville to Beaver Falls within this State, no ground for reparation having been shown except a slight reduction in the rate, that the complaint be and hereby is dismissed.

[Case No. 1588]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

JOHN C. FULLER STONE COMPANY, complainant, *v.* BOSTON AND MAINE RAILROAD AND THE DELAWARE AND HUDSON COMPANY, respondents.

Authority to refund $1,592.94.

Upon shipments of crushed stone during the period from August 27 to October 5, 1909, respondents, Boston and Maine Railroad and The Delaware and Hudson Company, charged and collected for the transportation thereof the aggregate sum of $2,953.34, as follows: from Wayville, N. Y., over the Boston and Maine railroad and via Eagle Bridge, N. Y., and The Delaware and Hudson Company's railroad to Cambridge, N. Y., 59 carloads of weight 3,205,040 pounds, charged in accordance with effective sixth-class rate contained in Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 20, issued jointly with The Delaware and Hudson Company, filed with the Commission September 12, 1907, at 8 cents per hundred pounds, $2,564.02; from Wayville, N. Y., over the Boston and Maine railroad and via Mechanicville, N. Y., and The Delaware and Hudson Company's railroad to Cohoes, N. Y., 10 carloads of weight 556,170 pounds, charged in accordance with effective sixth-class rate contained in Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 20, issued jointly with The Delaware and Hudson Company, filed with the Commission September 12, 1907, at 7 cents per hundred pounds, $389.32: total, $2,953.34. It appears that the transportation charges were borne by complainant. During the period said shipments moved there were in effect Boston and Maine Railroad local rates on crushed stone, carloads, minimum weight 20 gross tons unless marked capacity of car is less, in which case marked capacity of car will be the minimum carload weight, as shown by Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 252, filed with the Commission January 7, 1909, and The Delaware and Hudson Company local rates on crushed stone, carloads, minimum weight actual weight of contents of car,

but not less than 40,000 pounds, as shown by The Delaware and Hudson Company freight tariff P. S. C., 2 N. Y., No. 1559, filed with the Commission May 18, 1908, as follows: from Wayville to Eagle Bridge 50 cents per gross ton, equal to 45 cents per net ton, and from Eagle Bridge to Cambridge 30 cents per net ton, a combination of 75 cents per net ton, but inapplicable to shipments transported from Wayville to Cambridge as aforesaid; from Wayville to Mechanicville 30 cents per gross ton, equal to 27 cents per net ton, and from Mechanicville to Cohoes 30 cents per net ton, a combination of 57 cents per net ton, but inapplicable to shipments transported from Wayville to Cohoes as aforesaid. Effective October 6, 1909, in accordance with rule No. 50 of the Commission's circular No. 38, respondents established reduced through rates on carload shipments of crushed stone, minimum weight 44,000 pounds unless the marked capacity of car is less, in which case the marked capacity of car will be the minimum weight, from Wayville to Cambridge of 75 cents per net ton, and from Wayville to Cohoes of 57 cents per net ton, as shown by Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 300, issued jointly with The Delaware and Hudson Company, filed with the Commission October 5, 1909. Complainant claims, and respondents admit, that the said rates of 8 cents and 7 cents per hundred pounds applied as aforesaid were excessive, and respondents further admit that the said reduced through rates of 75 cents and 57 cents per net ton made effective as aforesaid would be just and reasonable charges applied to the shipments in question, which would result as follows: from Wayville to Cambridge, 59 carloads of weight 3,205,040 pounds, at 75 cents per net ton, $1,201.89; from Wayville to Cohoes, 10 carloads of weight 356,170 pounds, at 57 cents per net ton, $158.51: total, $1,360.40. It appearing to the Commission that reparation to the extent of the difference between $2,953.34, the amount collected upon said shipments, and $1,360.40, the aggregate sum produced by the application of reduced rates as aforesaid, that is to say, $1,592.94, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, John C. Fuller Stone Company, is entitled to recover from respondents, Boston and Maine Railroad and The Delaware and Hudson Company, the sum of $1,592.94 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $2,953.34 for transportation of the shipments aforesaid.

[Case No. 1589]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

THE BIRKETT MILLS, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $18.75.

Upon shipments of feed and bran over the New York Central and Hudson River railroad from Penn Yan to Auburn within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $71.25, computed at the effective rate of 9½ cents per hundred pounds in accordance with respondent's freight tariff P. S. C., 2 N. Y., No. 1918, filed with the Commission October 1, 1907, as follows: on December 11, 1908, one car of feed of weight 40,000 pounds, from Penn Yan to Auburn (and thence to Genoa on the New York, Auburn and Lansing railroad), at 9½ cents per hundred pounds, $38; on September 25,

1909, one car of bran of weight 35,000 pounds, from Penn Yan to Auburn, at 9½ cents per hundred pounds, $33.25: total, $71.25. It appears that the transportation charges were borne by complainant, consignor. On the dates said shipments moved respondent had in effect on grain products, which include feed and bran, carloads, a rate of 7 cents per hundred pounds applying from Penn Yan to Frankfort within this State, Auburn being intermediate thereto, as shown by supplement No. 5 to its freight tariff P. S. C., 2 N. Y., No. 2615, filed with the Commission October 30, 1908, and its freight tariff P. S. C., 2 N. Y., No. 5099, filed with the Commission December 23, 1908. Effective January 1, 1910, respondent established a rate of 7 cents per hundred pounds on grain and grain products, carloads, from Penn Yan to Auburn, as shown by its freight tariff P. S. C., 2 N. Y., No. 7185, filed with the Commission November 29, 1909. Complainant claims, and respondent admits, that the said rate of 9½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 7 cents per hundred pounds which was made effective January 1, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $71.25, the amount collected upon said shipments, and $52.50, the sum produced by a rate of 7 cents per hundred pounds upon an aggregate weight of 75,000 pounds, that is to say, $18.75, should be allowed to complainant upon said shipments, it is

Ordered: That complainant, The Birkett Mills, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $18.75 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $71.25 for transportation of the shipments aforesaid.

[Case No. 1590]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

H. P. CUMMINGS CONSTRUCTION COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority for adjustment of freight charges.

Upon shipments of two carloads of crushed stone, forwarded respectively on September 17 and October 5, 1909, over the New York Central and Hudson River railroad from Horseshoe to Piercefield within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, H. P. Cummings Construction Company, for the transportation thereof the sum of $72, computed at a rate of 4½ cents per hundred pounds upon an aggregate weight of 160,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of crushed stone as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 4455, filed with the Commission August 27, 1908. It appears that said shipments were erroneously waybilled by respondent's agent at a rate of 25 cents per net ton, which was the rate in force on sand from Horseshoe to Piercefield; that after delivery of the shipments to complainant at destination respondent served complainant with corrected bills based on the effective rate, which complainant has not paid. The distance from Horseshoe to Piercefield is approximately nine and one-third miles, and effective October 19, 1909, in accordance with special permission order of the Commission No. 1249, respondent established a rate of 25 cents per net ton on crushed stone, carloads, from and to said points, as shown by its freight tariff P. S. C., 2 N. Y., No.

7020, filed with the Commission October 16, 1909. Complainant claims, and respondent admits, that the said rate of 4½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 25 cents per net ton which was made effective October 19, 1909, would be a just and reasonable charge applied to the shipments in question. Said rate of 25 cents per net ton applied to an aggregate weight of 160,000 pounds would result in a charge of $20. Therefore, upon the papers on file, including reduction of the rate challenged, respondent's concession that the transportation charge as sought to be applied is excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, H. P. Cummings Construction Company, is entitled to have the charges upon the shipments from Horseshoe to Piercefield as aforesaid adjusted by respondent, The New York Central and Hudson River Railroad Company, upon the basis of said rate of 25 cents per net ton, which respondent admits would be reasonable and just and which will result in a charge of $20, instead of on the basis of said execssive rate of 4½ cents per hundred pounds in effect at the time said shipments moved.

[Case No. 1591]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

S. CHENEY & SON, complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $22.

Upon a shipment of one carload of scrap iron on November 5, 1909, from Geneva, N. Y., on the New York Central and Hudson River railroad, to Manlius, N. Y., on the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), respondent, The New York Central and Hudson River Railroad Company, received from complainants, S. Cheney & Son, for the transportation thereof the sum of $42, computed at a rate of $2.10 per gross ton upon a carload weight of 44,800 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity as contained in The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 6572, issued jointly with the West Shore railroad, filed with the Commission July 31, 1909. Previous to May 1, 1909, there was in effect on scrap iron, carloads, a rate of $1 per gross ton applying from Geneva to Manlius, as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 285, issued jointly with the West Shore railroad, filed with the Commission September 19, 1907, and respondent states that in the revision of its commodity rates applicable to scrap iron between points on its line said $1 rate through inadvertence was discontinued, and that upon its attention being called to the fact that shipments of scrap iron were being forwarded from Geneva to Manlius it reëstablished a rate of $1 per gross ton on carload shipments of scrap iron from Geneva to Manlius effective November 8, 1909, as shown by its freight tariff P. S. C., 2 N. Y., No. 7002, issued jointly with the West Shore railroad, filed with the Commission October 7, 1909. Complainants claim, and respondent admits, that the said rate of $2.10 per gross ton was excessive, and respondent further admits that the said rate of $1 per gross ton which was reestablished and made effective November 8, 1909, would be a just and reasonable charge applied to the

shipments in question. It appearing to the Commission that reparation to the extent of the difference between $42, the amount collected upon said shipments, and $20, the sum produced by a rate of $1 per gross ton upon a carload weight of 44,800 pounds, that is to say, $22, should be allowed to complainants upon said shipments, it is

Ordered: That the complainants, S. Cheney & Son, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $22 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $42 for transportation of the shipment aforesaid.

[Case No. 1592]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

THE ELMORE & HAMILTON CONTRACTING CO., complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $440.49.

Upon shipments of fifteen carloads of crushed stone: thirteen carloads weighing 90,357 pounds each, one carload weighing 70,000 pounds, and one carload weighing 110,555 pounds, forwarded on August 25, 26, 27, and 28, 1909, over the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) from West Nyack, N. Y., to Wallkill, N. Y., on the Wallkill Valley railroad (The New York Central and Hudson River Railroad Company, lessee), respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, The Elmore and Hamilton Contracting Co., for the transportation thereof the sum of $1,084.21, computed at a rate of 8 cents per hundred pounds, the aggregate weight of said shipments being 1,355,196 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of crushed stone as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. Wallkill is situated between Forest Glen and Walden on said Wallkill Valley railroad, and at the time said shipments moved there was in effect on crushed stone, carloads, a rate of 90 cents per net ton applying from West Nyack to Forest Glen, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1745, filed with the Commission August 14, 1909; also a rate of $1.10 per net ton applying from West Nyack to Walden, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1535, filed with the Commission April 24, 1909. Effective August 30, 1909, in accordance with special permission order of the Commission No. 1150, a rate of 95 cents per net ton was established on carload shipments of crushed stone from West Nyack to Wallkill, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1754, filed with the Commission August 27, 1909, and said rate of 95 cents per net ton as at present in effect, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1901, filed with the Commission January 10, 1910. Complainant claims, and respondent admits, that the said rate of 8 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 95 cents per net ton which was made effective August 30, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $1,084.21, the amount collected upon said shipments, and $643.72, the sum produced by a rate of 95 cents per net ton upon an aggregate

weight of 1,355,196 pounds, that is to say, $440.49, should be allowed to complainant upon said shipments, it is

Ordered: That complainant, The Elmore & Hamilton Contracting Co., is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $440.49 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $1,084.21 for transportation of the shipments aforesaid.

[Case No. 1593]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

KNOWLTON BROTHERS, complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $1.95.

Upon less than carload shipments of printing paper over the New York Central and Hudson River railroad, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainants, Knowlton Brothers, for transportation thereof the aggregate sum of $11.70, as follows: two consignments transported respectively on September 11 and 15, 1909, from Watertown, N. Y., to Rochester, N. Y., of aggregate weight 600 pounds, in accordance with respondent's freight tariff P. S. C., 2 N. Y., No. 6581, filed with the Commission July 29, 1909, at effective third-class rate of 24 cents per hundred pounds, $1.44; seven consignments transported during the period from September 7 to October 4, 1909, from Watertown, N. Y., to Syracuse, N. Y., of aggregate weight 5700 pounds, in accordance with respondent's freight tariff P. S. C., 2 N. Y., No. 6581, filed with the Commission July 29, 1909, at effective third-class rate of 18 cents per hundred pounds, $10.26: total, $11.70. Previous to September 1, 1909, the effective rate on printing paper, less than carloads, was 20 cents per hundred pounds as applied from Watertown to Rochester, and 15 cents per hundred pounds as applied from Watertown to Syracuse, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 5348, filed with the Commission February 23, 1909. Respondent states that in the revision of its class rates to and from various stations on its lines effective September 1, 1909, it became necessary to revise or reissue nearly all of its commodity tariffs applying between said points, and through inadvertence the last named rates were discontinued as applied from Watertown to Rochester and Syracuse. Effective October 11, 1909, respondent reëstablished a rate of 20 cents per hundred pounds applying from Watertown to Rochester, and 15 cents per hundred pounds applying from Watertown to Syracuse, on less than carload shipments of printing paper, as shown by supplement No. 1 to its freight tariff P. S. C., 2 N. Y., No. 6689, filed with the Commission September 9, 1909. Complainants claim, and respondent admits, that the said rates as applied and collected and as above described were excessive, and respondent further admits that the said reëstablished rates of 20 cents per hundred pounds from Watertown to Rochester, and 15 cents per hundred pounds from Watertown to Syracuse, would be just and reasonable charges applied to the shipments in question, as follows: on less than carload shipments from Watertown to Rochester of weight 600 pounds at 20 cents per hundred pounds, $1.20; on less than carload shipments from Watertown to Syracuse of weight 5700 pounds at 15 cents per hundred pounds $8.55: total, $9.75. It appearing to the Commission that reparation to the extent of the difference between $11.70, the

aggregate amount collected upon said shipments, and $9.75, the sum produced by said reëstablished rates as herein described, that is to say, $1.95, should be allowed to complainants upon said shipments, it is

Ordered: That the complainants, Knowlton Brothers, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $1.95 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $11.70 for transportation of the shipments aforesaid.

[Case No. 1594]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
Martin S. Decker,
John B. Olmsted,
John N. Carlisle,
Commissioners.

New York Press-Brick Company, complainant, *v.* The New York Central and Hudson River Railroad Company, respondent.

Authority to refund $8.10.

Upon a shipment of one carload of hollow building blocks made of fire clay, on October 21, 1908, over the New York Central and Hudson River railroad from Canandaigua to Syracuse within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for transportation thereof the sum of $23.40, computed at a rate of 6½ cents per hundred pounds upon a carload weight of 36,000 pounds. Hollow building block made of fire clay is not specifically classified in the official classification: it is analogous to building blocks of cement or concrete, which were classfied at the time of shipment in carloads at minimum weight of 36,000 pounds to take the sixth-class rate; and under authority of its freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, respondent classified the shipment as analogous to building blocks of cement or concrete, carloads, minimum weight 36,000 pounds, and assessed the charge as noted above. There was in force at the time said shipment moved a commodity rate on brick, carloads, minimum weight 40,000 pounds, a rate of 85 cents per net ton, applying from Canandaigua to Syracuse, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 4120, filed with the Commission June 22, 1908. The term "brick" as used in the tariff would apply to various kinds of brick, including hollow brick. It appears that the transportation charge was borne by complainant. Effective November 24, 1908, respondent established a rate of 85 cents per net ton on hollow building blocks, carloads, minimum weight 30,000 pounds, applying from Canandaigua to Syracuse, as shown by its freight tariff P. S. C., 2 N. Y., No. 4940, filed with the Commission October 23, 1908. Respondent states that request was made by complainant in August, 1908, for the establishment of the rate of 85 cents per net ton on hollow brick and hollow building blocks, carloads, from Canandaigua to Syracuse, but by reason of the revision of rates on brick and articles taking brick rates between other points on its lines issuance of the tariff containing the reduced rate was delayed until October 23, 1908, on which date its said freight tariff P. S. C., 2 N. Y., No. 4940, was issued, effective as aforesaid. Complainant claims, and respondent admits, that the said rate of 6½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 85 cents per net ton which was made effective November 24, 1908, would be a just and reasonable charge applied to the shipment as aforesaid. It appearing to the Commission that reparation to the extent of the difference between $23.40, the amount collected upon said shipment, and $15.30, the sum produced by a rate

of 85 cents per net ton upon a carload weight of 36,000 pounds, that is to say, $8.10, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, The New York Press-Brick Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $8.10 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $23.40 for transportation of the shipment aforesaid.

[Case No. 1595]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

LUTHER HASBROUCK, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority for adjustment of freight charge.

Upon a shipment of one carload of manure on August 6, 1909, from Coxsackie, N. Y., on the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) to New Paltz, N. Y., on the Wallkill Valley railroad (The New York Central and Hudson River Railroad Company, lessee), respondent, The New York Central and Hudson River Railroad Company, charged complainant, Luther Hasbrouck, for the transportation thereof the sum of $50.75, computed at a rate of 7 cents per hundred pounds upon a carload weight of 72,500 pounds. Such charge was applied in accordance with effective sixth-class rate on carload shipments of said commodity as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that the commodity in question was sold by respondent to complainant, and a rate of $17.50 per car was erroneously quoted to complainant by respondent's agent and applied and collected from complainant upon delivery of the shipment. At the time said shipment moved there were in force on the West Shore railroad commodity rates on manure, carloads, from Coxsackie to various local main line points distant the same or greater than the distance to New Paltz, one of which was $17.50 per car for cars of 30 to 39 tons capacity, as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1306, filed with the Commission November 10, 1908, but which rate or rates were inapplicable to points on the Wallkill Valley railroad at the time said shipment moved. Subsequent to collection of charge as aforesaid respondent issued corrected billing, but the difference between the amount properly chargeable, $50.75, and the amount collected, $17.50, or $33.25, is still outstanding. Effective September 1, 1909, a rate of $17.50 per car was established on manure for cars of 30 to 39 tons capacity, applying from Coxsackie to New Paltz, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1713, filed with the Commission July 31, 1909. Complainant claims, and respondent admits, that the said rate of 7 cents per hundred pounds was excessive, and respondent further admits that the charge of $17.50 per car which was made effective September 1, 1909, would be a just and reasonable charge applied to the shipment in question. Therefore, upon the papers on file, including reduction of the rate challenged, respondent's concession that the transportation charge as sought to be applied is excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, Luther Hasbrouck, is entitled to have the charge upon said shipment from Coxsackie to New Paltz as aforesaid ad-

justed by respondent, The New York Central and Hudson River Railroad Company, upon the basis of said reduced charge of $17.50 per car which respondent admits would be reasonable and just instead of on the basis of said excessive rate of 7 cents per hundred pounds in effect at the time said shipment moved.

[Case No. 1596]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

RILEY & DIETRICH, INC., complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority for adjustment of switching charge.

Upon a shipment of eggs of weight 10,600 pounds on December 6, 1909, from Buffalo to Rochester within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Riley & Dietrich, Inc., for the transportation thereof the sum of $20.44 as follows: from Buffalo Cold Storage Warehouse, Buffalo, over the Lehigh Valley railroad to its connection with the Buffalo Creek railway, in accordance with Lehigh Valley Railroad Company's switching tariff P. S. C., 2 N. Y., No. D-1339, filed with the Commission July 31, 1909, per car, $3.50; thence over the Buffalo Creek railway to connection with the New York Central and Hudson River railroad in Buffalo, in accordance with Buffalo Creek Railway Company's switching tariff P. S. C., 2 N. Y., No. 4, filed with the Commission July 15, 1909, per car, $2.10; thence over the New York Central and Hudson River railroad to Rochester, in accordance with respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, second-class rate of 14 cents per hundred pounds upon a weight of 10,600 pounds, $14.84; total, $20.44. It appears that when said shipment reached its destination respondent, through error, collected from complainant but $14.84 of said charges, under authority contained in supplement No. 9 to respondent's switching absorption tariff P. S. C., 2 N. Y., No. 5027, filed with the Commission October 18, 1909, as follows: "When minimum revenue is $15 per car (in lots of 10,000 pounds or more) maximum switching charge absorbed will be $5.60 per car." Subsequent to collection of charge as above described respondent issued corrected billing to the amount of $20.44, and the difference between said charge of $20.44 and $14.84 the amount collected, or $5.60, is still outstanding. Effective December 27, 1909, respondent issued its switching absorption tariff P. S. C., 2 N. Y., No. 7122, filed with the Commission November 26, 1909, containing the following provision: "When the freight revenue of carrier or carriers absorbing the switching charge of switching or terminal road is less than the minimum revenue specified in this tariff to entitle shipment to switching absorption specified, and weight of the shipment equals or exceeds the weight shown in this tariff for switching absorption purpose (10,000 pounds), the amount of switching that will be absorbed will be the amount by which the freight revenue plus switching charges exceeds the minimum freight revenue shown herein." Complainant claims, and respondent admits, that the corrected charge as sought to be applied is excessive, and respondent further admits that the absorption of switching charges as provided for in the above quoted provision contained in its said switching absorption tariff P. S. C., 2 N. Y., No. 7122, would be just and reasonable as applied to the shipment in question, and which would result as follows: switching charges and transportation charge as sought to be applied and as herein described, $20.44; minimum revenue specified in respondent's said switching absorption tariff

P. S. C., 2 N. Y., No. 7122, the weight of said shipment exceeding the minimum weight specified in said last named tariff, $15; switching charge which would be absorbed in accordance therewith, $5.44. Therefore, upon the papers on file, including correction of the tariff upon which said excessive charge was applied, respondent's concession that the said corrected charge as sought to be applied is excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, Riley & Dietrich, Inc., is entitled to have the charges upon said shipment adjusted by respondent, The New York Central and Hudson River Railroad Company, upon the basis of respondent's said switching absorption tariff P. S. C., 2 N. Y., No. 7122, and which will result in a charge of $15 instead of on the basis of said supplement No. 9 to respondent's switching absorption tariff P. S. C., 2 N. Y., No. 5027, in effect at the time said shipment moved.

[Case No. 1600]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

P. F. CADY, complainant, v. THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority for adjustment of freight charges.

Upon shipments of two carloads of manure forwarded respectively on September 23 and October 19, 1908, over the New York Central and Hudson River railroad from 33d street, New York city, to East Chatham, N. Y., on the Boston and Albany railroad (The New York Central and Hudson River Railroad Company, lessee), respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, P. F. Cady, for the transportation thereof the sum of $65.73, computed at a rate of $1.10 per net ton upon respective carload weights of 55,000 and 64,500 pounds. Such charge was erroneously applied under authority of respondent's freight tariff I. C. C., B-7793, which contained a rate of $1.10 per net ton on manure, carloads, applying from said point of shipment to Westfield, Massachusetts, but which rate was inapplicable to the shipments transported as aforesaid. The effective rate on the dates said shipments moved was a commodity rate of 10 cents per hundred pounds, minimum carload weight 30,000 pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 666, issued jointly with the Boston and Albany railroad, filed with the Commission September 23, 1907. It appears that subsequent to the collection of charges as aforesaid corrections in billing were issued by respondent to the properly chargeable aggregate amount of $119.50, and the difference between $119.50 and $65.73 the amount collected, or $53.77, is still outstanding. Effective February 1, 1910, a rate of $1.10 per net ton was established on carload shipments of manure, minimum weight 60,000 pounds, applying from said point of shipment to destination, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 7312, issued jointly with the Boston and Albany railroad, filed with the Commission December 31, 1909. Respondent admits that the rate of 10 cents per hundred pounds as sought to be applied is excessive, and also admits that the said reduced rate of $1.10 per net ton as applied to carload shipments of manure, minimum weight 60,000 pounds, would be a just and reasonable charge applied to the shipments in question. Said rate of $1.10 per net ton applied to shipments of respective weights of 55,000 and 64,500 pounds, and in accordance with respondent's freight tariff P. S. C., 2 N. Y., No. 7312,

would result in a charge of $68.48. Therefore, upon the papers on file, including reduction of the rate charged, respondent's concession that the transportation charges as sought to be applied were excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, P. F. Cady, is entitled to have the charges upon said shipments adjusted by respondent, The New York Central and Hudson River Railroad Company, upon the basis of said reduced rate of $1.10 per net ton, in accordance with respondent's said freight tariff P. S. C., 2 N. Y., No. 7312, which respondent admits would be reasonable and just and which will result in a charge of $68.48, instead of on the basis of said excessive rate of 10 cents per hundred pounds in effect at the time said shipments moved.

[Case No. 1601]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
Martin S. Decker,
John B. Olmsted,
John N. Carlisle,
Commissioners.

Empire Limestone Company, complainant, *v.* Lehigh Valley Railroad Company, respondent. — Authority to refund $398.67.

Upon shipments of 244 carloads of crushed limestone transported during the period from May 24 to June 23, 1909, over the Lehigh Valley railroad from North LeRoy to Buffalo within this State, respondent, Lehigh Valley Railroad Company, charged and collected for the transportation thereof the sum of $3,720.48, computed at a rate of 30 cents per net ton upon an aggregate weight of 24,802,800 pounds. Such charge was assessed in accordance with effective rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. D-1179, filed with the Commission April 22, 1909. It appears that the transportation charges were borne by complainant. Previous to May 23, 1909, the rate on crushed limestone, carloads, from said point of shipment to destination was 30 cents per gross ton, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. D-702, filed with the Commission November 15, 1907, and which rate through inadvertence was changed to net ton basis in respondent's said freight tariff P. S. C., 2 N. Y., No. D-1179. Effective June 24, 1909, in accordance with special permission order of the Commission No. 1014, a rate of 30 cents per gross ton was reëstablished on carload shipments of limestone from North LeRoy to Buffalo, as shown by supplement No. 2 to respondent's freight tariff P. S. C., 2 N. Y., No. D-1179, filed with the Commission June 22, 1909. Complainant claims, and respondent admits, that the said rate of 30 cents per net ton was excessive, and respondent further admits that the said rate of 30 cents per gross ton which was reëstablished and made effective June 24, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $3,720.48, the amount collected upon said shipments, and $3,321.81, the sum produced by a rate of 30 cents per gross ton upon an aggregate weight of 24,802,800 pounds, that is to say, $398.67, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Empire Limestone Company, is entitled to recover from respondent, Lehigh Valley Railroad Company, the sum of $398.67 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $3,720.48 for transportation of the shipments aforesaid.

[Case No. 1604]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

THE HUDSON CABINET COMPANY, complainant, *v.* ERIE RAILROAD COMPANY, respondent. — Authority to refund $11.33.

Upon one less than carload shipment of lumber of weight 6,666 pounds transported on May 12, 1909, from Jamestown, N. Y., over the Erie railroad via Attica, N. Y., and the New York Central and Hudson River railroad to Pierrepont Manor, N. Y., Erie Railroad Company, respondent in this proceeding, and The New York Central and Hudson River Railroad Company, charged and collected from complainant, The Hudson Cabinet Company, for the transportation thereof the sum of $25.33, computed at a rate of 38 cents per hundred pounds. Such charge was assessed under authority of Erie Railroad Company's fourth-class local rate of 14 cents per hundred pounds as per Erie Despatch eastbound rate basis and P. S. C., 2 N. Y., No. A-39, filed with the Commission September 26, 1907, and The New York Central and Hudson River Railroad Company's fourth-class rate of 24 cents per hundred pounds as per its freight tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907, a combination of 38 cents per hundred pounds. At the time said shipment moved there was in effect on less than carload shipments of lumber a through rate of 21 cents per hundred pounds applying from Jamestown via Suspension Bridge, N. Y., and the New York Central and Hudson River railroad to Pierrepont Manor, as shown by Erie Railroad Company's tariffs official classification P. S. C., 2 N. Y., No. A-190, filed with the Commission November 28, 1908, basis of rates and P. S. C., 2 N. Y., No. A-34, filed with the Commission September 26, 1907, and joint class rate freight tariff issued in connection with The New York Central and Hudson River Railroad Company P. S. C., 2 N. Y., No. A-39, filed with the Commission September 26, 1907. Said last named rate of 21 cents per hundred pounds was properly applicable to said shipments. It appears that the shipment was forwarded, without instructions from the consignor, by respondent's agent via Attica and subsequent route as herein described, and that respondent is alone responsible for the overcharge of $11.33, being the difference between the amount of $25.33 collected as aforesaid and the effective through rate of 21 cents per hundred pounds applied to a less than carload weight of 6,666 pounds. Therefore, upon the papers on file, including respondent's concession that the transportation charge as collected was excessive, and it appearing to the Commission that reparation to the extent of the difference beweeen $25.33, the amount collected upon said shipment, and $14, the sum produced by a rate of 21 cents per hundred pounds upon a less than carload weight of 6,666 pounds, that is to say, $11.33, should be allowed to complainant upon said shipment, it is

Ordered: That complainant, The Hudson Cabinet Company, is entitled to recover from respondent, Erie Railroad Company, the sum of $11.33 as reparation for and on account of exaction of said unjust and unreasonable charge of $25.33 as herein described.

[Case No. 1605]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
JOHN B. OLMSTED,
MARTIN S. DECKER,
JOHN N. CARLISLE,
Commissioners.

CASTNER ELECTROLYTIC ALKALI COMPANY, complainant, *v.* ERIE RAILROAD COMPANY and THE DELAWARE AND HUDSON COMPANY, respondents.

Authority to refund $6.52.

Upon a shipment of one carload of bleach powder contained in 42 drums aggregate weight 32,600 pounds on May 14, 1909, from Niagara Falls, N. Y., over the Erie railroad via Binghamton, N. Y., and The Delaware and Hudson Company's railroad to Willsboro, N. Y., respondents, Erie Railroad Company and The Delaware and Hudson Company, charged and collected for the transportation thereof the sum of $55.42, computed at a rate of 17 cents per hundred pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity as contained in Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 1017, issued jointly with The Delaware and Hudson Company, filed with the Commission September 18, 1908. It appears that the transportation charge was borne by complainant, consignor. Previous to October 19, 1908, a carload rate of 15 cents per hundred pounds was in effect on bleach powder from Niagara Falls via Binghamton to Willsboro, as contained in supplement No. 4 to Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 90, issued jointly with The Delaware and Hudson Company, filed with the Commission September 25, 1907, which rate of 15 cents per hundred pounds through inadvertence was advanced to 17 cents per hundred pounds, as shown by Erie Railroad Company's said freight tariff P. S. C., 2 N. Y., No. 1017. Effective September 24, 1909, a rate of 15 cents per hundred pounds was reëstablished on bleach powder, applying from Niagara Falls via Binghamton to Willsboro, as shown by Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 1452, issued jointly with The Delaware and Hudson Company, filed with the Commission August 23, 1909. Complainant claims, and respondents admit, that the said rate of 17 cents per hundred pounds was excessive, and respondents further admit that the said reëstablished rate of 15 cents per hundred pounds made effective September 24, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $55.42, the amount collected upon said shipment, and $48.90, the sum produced by a rate of 15 cents per hundred pounds upon a carload weight of 32,600 pounds, that is to say, $6.52, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, Castner Electrolytic Alkali Company, is entitled to recover from respondents, Erie Railroad Company and The Delaware and Hudson Company, the sum of $6.52 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $55.42 for transportation of the shipment aforesaid.

[Case No. 1606]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

THOMAS W. SHANNON, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $11.47.

Upon three less than carload shipments of printing paper, forwarded respectively on September 7, 25, and October 9, 1909, over the New York Central and Hudson River railroad from Brownville to Penn Yan within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $47.31, computed at a rate of 33 cents per hundred pounds upon an aggregate weight of 14,336 pounds. Such charge was assessed in accordance with effective third-class rate on less than carload shipments of said commodity, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 5573, filed with the Commission April 16, 1909. It appears that the transportation charges were borne by complainant, consignor. Previous to September 1, 1909, respondent had in effect on shipments of printing paper, less than carload, from Brownville to Penn Yan a rate of 25 cents per hundred pounds, as contained in its freight tariff P. S. C., 2 N. Y., No. 5348, filed with the Commission February 23, 1909, and this rate through inadvertence was canceled in tariffs issued by respondent in its revision of commodity rates to and from stations on its lines, effective September 1, 1909. Effective October 11, 1909, respondent reëstablished a rate of 25 cents per hundred pounds on printing paper, less than carload, from Brownville to Penn Yan, as shown by supplement No. 1 to its freight tariff P. S. C., 2 N. Y., No. 6689, filed with the Commission September 9, 1909. Complainant claims, and respondent admits, that the said rate of 33 cents per hundred pounds was excessive, and respondent further admits that the said rate of 25 cents per hundred pounds which was reëstablished and made effective October 11, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $47.31, the amount collected upon said shipments, and $35.84, the sum produced by rate of 25 cents per hundred pounds upon an aggregate weight of 14.336 pounds, that is to say, $11.47, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Thomas W. Shannon, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $11.47 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $47.31 for transportation of the shipments aforesaid.

[Case No. 1607]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

H. J. HEINZ COMPANY, complainant, *v.* THE LONG ISLAND RAILROAD COMPANY, respondent. — Authority to refund $12.05.

Upon shipments of two carloads of cabbage on October 21, 1909, over the Long Island railroad, one from Cold Spring, N. Y., to Hicksville, N. Y., of weight 36,900 pounds, and one from Central Park, N. Y., to Hicksville, N. Y., of weight 46,700 pounds, respondent, The Long Island Railroad Company, charged and collected from complainant, H. J. Heinz Company, for the transportation thereof the total sum of $41.80, computed at the rate of 5 cents per hundred pounds upon an aggregate weight of 83,600 pounds. Such charge was assessed in accordance with effective rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 110, filed with the Commission October 31, 1907. On the date said shipments moved respondent had in effect on carloads shipments of cabbage a rate of 3 cents per hundred pounds applying from Green Lawn, N. Y., to Hicksville, Cold Spring being intermediate thereto; and a rate of 4 cents per hundred pounds applying from Farmingdale, N. Y., to Hicksville, Central Park being intermediate thereto, as contained in respondent's commodity tariff P. S. C., 2 N. Y., No. 172, filed with the Commission August 1, 1908, but said rates were inapplicable to the shipments transported as aforesaid. Effective March 1, 1910, respondent's commodity tariff P. S. C., 2 N. Y., No. 172, was canceled and the rates therein contained restored to class rates, as shown in its freight tariff P. S. C., 2 N. Y., No. 258, filed with the Commission October 28, 1909, and the rates at present effective on carload shipments of cabbage from and to the aforesaid points are as follows: Cold Spring to Hicksville, 4 cents per hundred pounds; Green Lawn to Hicksville, 5 cents per hundred pounds; Central Park to Hicksville, 4 cents per hundred pounds; Farmingdale to Hicksville, 4 cents per hundred pounds. Complainant claims, and respondent admits, that the said rate of 5 cents per hundred pounds as applied and collected upon said shipments was excessive, and respondent further admits that the said rate of 3 cents per hundred pounds from Green Lawn, a more distant point than Cold Spring, to Hicksville, and said rate of 4 cents per hundred pounds from Farmingdale, a more distant point than Central Park, to Hicksville, in effect on the date said shipments moved, would be just and reasonable charges applied to the shipments in question. A rate of 3 cents per hundred pounds applied to the shipment from Cold Spring to Hicksville would result in a charge of $11.07, and a rate of 4 cents per hundred pounds applied to the shipment from Central Park to Hicksville would result in a charge of $18.68, or a total charge of $29.75. It appearing to the Commission that reparation to the extent of the difference between $41.80, the total amount collected on said shipments, and $29.75, the sum produced by rates of 3 cents and 4 cents per hundred pounds applied as aforesaid, or $12.05, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, H. J. Heinz Company, is entitled to recover from respondent, The Long Island Railroad Company, the sum of $12.05 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $41.80 for transportation of shipments aforesaid.

[Case No. 1608]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of April, 1910.

Present:
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

M. BOCK, complainant, *v.* THE PENNSYLVANIA RAILROAD COMPANY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, respondents.

Authority to refund $16.87.

Upon shipments of two carloads of scrap iron, forwarded respectively on July 9 and 16, 1909, from Olean, N. Y., on the Pennsylvania railroad to Depew, N. Y., on the Delaware, Lackawanna and Western railroad, respondents, The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company, charged and collected for the transportation thereof the sum of $126.49, computed at a rate of $1.50 per gross ton upon an aggregate weight of 188,900 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity as contained in The Pennsylvania Railroad Company freight tariff S. S., P. S. C., 2 N. Y., No. 97, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission October 12, 1907. It appears that the transportation charges were borne by the complainant, consignor. On the date said shipments moved there was in effect on carload shipments of scrap iron local rates of $1 per gross ton applying from Olean to Buffalo, N. Y., as shown by The Pennsylvania Railroad Company freight tariff S. S., P. S. C., 2 N. Y., No. 456, filed with the Commission October 21, 1908, and 30 cents per gross ton applying from Buffalo to Depew, as shown by supplement No. 5 to The Delaware, Lackawanna and Western Railroad Company freight tariff P. S. C., 2 N. Y., No. 244, filed with the Commission June 13, 1908, a combination rate of $1.30 per gross ton, but inapplicable to the shipments transported as aforesaid. Effective January 4, 1910, a through rate of $1.30 per gross ton on scrap iron, carloads, was established applying from Olean to Depew, as shown by The Pennsylvania Railroad Company freight tariff S. S., P. S. C., 2 N. Y., No. 594, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission December 3, 1909. Complainant claims, and respondents admit, that said rate of $1.50 per gross ton was excessive, and respondents further admit that the said reduced through rate of $1.30 per gross ton which was made effective January 4, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $126.49, the amount collected upon said shipments, and $109.62, the sum produced by a rate of $1.30 per gross ton upon an aggregate weight of 188,900 pounds, that is to say, $16.87, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, M. Bock, is entitled to recover from respondents, The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company, the sum of $16.87 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $126.49 for transportation of the shipments aforesaid.

[Case No. 1618]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

HARLEM VALLEY BRICK & SUPPLY CO., complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $105.40.

Upon four carload shipments of brick, two carloads on October 6 and two carloads on October 9, 1909, over the New York Central and Hudson River railroad from Dutchess Junction, N. Y., and via Melrose Junction, N. Y., to Tuckahoe, N. Y., respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Harlem Valley Brick & Supply Co., for the transportation thereof the sum of $260.40, computed at a rate of 10½ cents per hundred pounds upon an aggregate weight of 248,000 pounds. Such charge was assessed in accordance with effective sixth-class rates on carload shipments of brick of 6½ cents per hundred pounds from Dutchess Junction to Melrose Junction, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, and 4 cents per hundred pounds from Melrose Junction to Tuckahoe, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 5301, filed with the Commission February 6, 1909. On the dates said shipments moved there was in effect on brick, carloads, a rate of $1.30 per net ton applying from Dutchess Junction to White Plains, Tuckahoe being intermediate thereto, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 6487, filed with the Commission July 3, 1909, but which rate was inapplicable to the shipments transported as aforesaid. Effective December 6, 1909, respondent established a rate of $1.25 per net ton on carload shipments of brick applying from Dutchess Junction to Tuckahoe, as shown by its freight tariff P. S. C., 2 N. Y., No. 7100, filed with the Commission November 5, 1909. Complainant claims, and respondent admits, that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of $1.25 per net ton which was made effective December 6, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $260.40, the amount collected upon said shipments, and $155, the sum produced by a rate of $1.25 per net ton upon an aggregate weight of 248,000 pounds, that is to say, $105.40, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Harlem Valley Brick & Supply Co., is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $105.40 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $260.40 for transportation of the shipments aforesaid.

[Case No. 1619]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

THE BARBER ASPHALT PAVING COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $16.98.

Upon a shipment of one carload of curbing stone on September 6, 1909, from Holley, N. Y., on the New York Central and Hudson River railroad, to South Utica, N. Y., on the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, The Barber Asphalt Paving Company, for the transportation thereof the sum of $50.93, computed at a rate of 10½ cents per hundred pounds upon a carload weight of 48,500 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of curbing stone as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6572, filed with the Commission July 31, 1909. On the date said shipments moved respondent had in effect on curbing stone, carloads, a rate of $1.40 per net ton applying from Holley to Herkimer and Little Falls on the New York Central and Hudson River railroad, which are in the immediate vicinity of South Utica on the West Shore railroad, as shown by its freight tariff P. S. C., 2 N. Y., No. 6484, filed with the Commission July 8, 1909. Effective November 4, 1909, respondent established a rate of $1.40 per net ton on carload shipments of curbing stone applying from said point of shipment to destination as shown by its freight tariff P. S. C., 2 N. Y., No. 6973, filed with the Commission October 4, 1909. Complainant claims, and respondent admits, that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of $1.40 per net ton which was made effective November 4, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $50.93, the amount collected upon said shipment, and $33.95, the sum produced by a rate of $1.40 per net ton upon a carload weight of 48,500 pounds, that is to say, $16.98, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, The Barber Asphalt Paving Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $16.98 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $50.93 for transportation of the shipment aforesaid.

[Case No. 1620]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

GENERAL CHEMICAL COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $14.40.

Upon a shipment of one carload of nitrate of soda on March 20, 1909, from Tompkinsville, Staten Island, N. Y., and via 60th street, New York city, over the New York Central and Hudson River railroad to Syracuse, N. Y., respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, General Chemical Company, for the transportation thereof the sum of $54, computed at a rate of 15 cents per hundred pounds upon a carload weight of 36,000 pounds. Such charge was assessed in accordance with effective fifth-class rate on carload shipments of nitrate of soda as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. Tompkinsville is included within the free lighterage limits of New York harbor, and on the date said shipment moved there was in effect on nitrate of soda, carloads, a rate of 11 cents per hundred pounds applying from New York city, including free lighterage from points within the free lighterage limits of New York harbor, to Solvay, N. Y., and Clyde, N. Y., Syracuse being intermediate thereto, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 4255, filed with the Commission July 22, 1908, but said rate of 11 cents per hundred pounds was inapplicable to the shipment transported as aforesaid. Effective January 15, 1910, respondent established a rate of 11 cents per hundred pounds on carload shipments of nitrate of soda applying from points within the free lighterage limits of New York harbor to Syracuse, as shown by its freight tariff P. S. C., 2 N. Y., No. 7238, filed with the Commission December 15, 1909. Complainant claims, and respondent admits, that the said rate of 15 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 11 cents per hundred pounds which was made effective January 15, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $54, the amount collected upon said shipment, and $39.60, the sum produced by a rate of 11 cents per hundred pounds upon a carload weight of 36,000 pounds, that is to say, $14.40, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, General Chemical Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $14.40 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $54 for transportation of the shipment aforesaid.

[Case No. 1621]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

WILLIAM HICKS & SON, complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $28.92.

Upon carload shipments of evaporated apples and apple waste from Red Creek, N. Y., and Webster, N. Y., over the New York Central and Hudson River railroad and via Albany, N. Y., and Schenectady, N. Y., and The Delaware and Hudson Company's railroad to Waterford, N. Y., respondent, The New York Central and Hudson River Railroad Company, and The Delaware and Hudson Company, charged and collected from complainants, William Hicks & Son, for the transportation thereof the sum of $217.83, as follows: on December 26, 1908, one carload of evaporated apples, of weight 33,450 pounds, from Red Creek over the New York Central and Hudson River railroad and via Albany and The Delaware and Hudson Company's railroad to Waterford, charged at effective local rate of 15 cents per hundred pounds from Red Creek to Albany under authority of The New York Central and Hudson River Railroad Company's freight tariff P S. C., 2 N. Y., No. 2730, filed with the Commission October 30, 1907, and effective local rate of 6 cents per hundred pounds from Albany to Waterford under authority of The Delaware and Hudson Company's freight tariff P. S. C., 2 N. Y., No. 1700, filed with the Commission August 27, 1908, a combination rate of 21 cents per hundred pounds, $70.25; on March 1, 1909, one carload of apple waste, of weight 30,109 pounds, from Webster over the New York Central and Hudson River railroad and via Schenectady and The Delaware and Hudson Company's railroad to Waterford, charged at effective local rate of 15 cents per hundred pounds from Webster to Schenectady under authority of The New York Central and Hudson River Railroad Company's freight tariff P. S. C., 2 N. Y., No. 2730, filed with the Commission October 30, 1907, and effective local rate of 9 cents per hundred pounds from Schenectady to Waterford under authority of The Delaware and Hudson Company's freight tariff P. S. C., 2 N. Y., No. 1700, filed with the Commission August 27, 1908, a combination rate of 24 cents per hundred pounds, $72.26; on August 6, 1909, one carload of apple waste, of weight 35,866 pounds, from Webster over the New York Central and Hudson River railroad and via Albany and The Delaware and Hudson Company's railroad to Waterford, charged at effective local rate of 15 cents per hundred pounds from Webster to Albany under authority of The New York Central and Hudson River Railroad Company's freight tariff P. S. C., 2 N. Y., No. 2730, filed with the Commission October 30, 1907, and effective local rate of 6 cents per hundred pounds from Albany to Waterford under authority of The Delaware and Hudson Company's freight tariff P. S. C., 2 N. Y., No. 1700, filed with the Commission August 27, 1908, a combination rate of 21 cents per hundred pounds, $75.32: total, $217.83. On the dates said shipments moved there were in effect on shipments of evaporated apples and apple waste, carloads, a local rate of 15 cents per hundred pounds applying from Red Creek and Webster to Troy, N. Y., over the New York Central and Hudson River railroad as contained in respondent's said freight tariff P. S. C., 2 N. Y., No. 2730, and a local rate of 4 cents per hundred pounds from Troy to Waterford over The Delaware and Hudson Company's railroad as contained in The Delaware and Hudson Company's said freight tariff P. S. C., 2 N. Y., No. 1700, a combination rate of 19 cents per hundred pounds. There is little difference in

distance over the three routes mentioned herein, and said shipments if transported from Red Creek and Webster via Troy to Waterford would have been properly chargeable at the combination rate of 19 cents in effect thereby. Complainants claim, and respondent admits, that the combination of rates charged and collected from complainants on the shipments as aforesaid were excessive, and respondent further admits its liability for said excessive charges and that the combination rate of 19 cents per hundred pounds effective via Troy as herein described would be a just and reasonable charge as applied to the shipments in question. The aggregate weight of said shipments amounted to 99,425 pounds, and a rate of 19 cents per hundred pounds applied thereto would result in a charge of $188.91, or a difference of $28.92 as compared with said collected charge of $217.83. Therefore, upon the papers on file, including respondent's concession that the transportation charges as applied were excessive and its admission of liability therefrom, and it appearing to the Commission that complainants are entitled to reparation for said excessive charges, it is

Ordered: That the complainants, William Hicks & Son, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $28.92 as reparation for and on account of exaction by respondent and The Delaware and Hudson Company of said unjust and unreasonable charge of $217.83 for transportation of the shipments aforesaid.

[Case No. 1622]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

ALDRICH PAPER COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority for adjustment of freight charges.

Upon shipments of 15 carloads of wood pulp, of aggregate weight 921,600 pounds, during the period from October 4 to 23, 1909, over the New York Central and Hudson River railroad from Emeryville to Norwood within this State, respondent, The New York Central and Hudson River Railroad Company, erroneously charged and collected for the transportation thereof the sum of $464.03, as follows: 8 carloads, of aggregate weight 492,600 pounds, at 5½ cents per hundred pounds, $270.95; 7 carloads, of aggregate weight 429,000 pounds, at 4½ cents per hundred pounds, $193.08: total, $464.03. The effective rate on carload shipments of wood pulp from said point of shipment to destination during the period mentioned was the sixth-class rate of 7½ cents per hundred pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6581, filed with the Commission July 29, 1909, and applied to said shipments would result in a charge of $691.20. It appears that the transportation charges as collected were borne by complainant, consignor. During the period said shipments moved there were in effect on carload shipments of wood pulp local rates of 1½ cents per hundred pounds applying from Emeryville to Gouverneur, and 4 cents per hundred pounds from Gouverneur to Norwood, a combination rate of 5½ cents per hundred pounds, but inapplicable to shipments transported as aforesaid. Effective November 20, 1909, respondent established a rate of 5½ cents per hundred pounds on wood pulp, carloads, from Emeryville to Norwood, as shown by its freight tariff P. S. C., 2 N. Y., No. 7042, filed with the Commission October 19, 1909. Complainant claims,

and respondent admits, that the said rate of 7½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 5½ cents per hundred pounds made effective November 20, 1909, would be a just and reasonable charge applied to the shipments in question, and which would result in the sum of $506.88. Therefore, upon the papers on file, including reduction of the rate challenged, respondent's concession that the transportation charge on the basis of 7½ cents per hundred pounds is excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, Aldrich Paper Company, is entitled to have the charges upon said shipments from Emeryville to Norwood as aforesaid adjusted by respondent, The New York Central and Hudson River Railroad Company, upon the basis of said reduced rate of 5½ cents per hundred pounds, which respondent admits would be reasonable and just and which will result in a charge $506.88, instead of on the basis of said excessive rate of 7½ cents per hundred pounds in effect at the time said shipments moved.

[Case No. 1643]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

GENERAL CHEMICAL COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $10.13.

Upon shipments of three carloads of sulphuric acid in tank cars on respectively May 1, June 10, and September 23, 1909, over the New York Central and Hudson River railroad from Syracuse to Albany within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $222.81, computed at a rate of 11 cents per hundred pounds upon an aggregate weight of 202,550 pounds. Such charge was assessed in accordance with effective fifth-class rate on carload shipments of sulphuric acid, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that the transportation charges were borne by complainant, consignor. During the period said shipments moved respondent had in effect on carload shipments of sulphuric acid a rate of 10½ cents per hundred pounds applying from Syracuse to Rensselaer, N. Y., Albany being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 3999, filed with the Commission May 28, 1908, and superseding issue P. S. C., 2 N. Y., No. 6117, filed with the Commission May 21, 1909, but said rate of 10½ cents per hundred pounds was inapplicable to the shipments transported as aforesaid. Effective February 19, 1910, respondent established a rate of 10½ cents per hundred on sulphuric acid, carloads, applying from Syracuse to Albany, as shown by its freight tariff P. S. C., 2 N. Y., No. 7378, filed with the Commission January 19, 1910. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 10½ cents per hundred pounds which was made effective February 19, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $222.81, the amount collected upon said shipments, and $212.68, the sum produced by a rate of 10½ cents per hundred pounds, upon an aggregate weight of 202,550

pounds, that is to say, $10.13, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, General Chemical Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $10.13, as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $222.81 for transportation of the shipments aforesaid.

[Case No. 1644]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
Commissioners.

Gould Coupler Company, complainant, *v.* Erie Railroad Company, respondent. — Authority to refund $12.04.

Upon a shipment of one carload of grindstone sand on April 28, 1909, over the Erie railroad from Batavia to Depew within this State, respondent, Erie Railroad Company, charged and collected from complainant, Gould Coupler Company, for the transportation thereof the sum of $26.75, computed at a rate of 5 cents per hundred pounds upon a carload weight of 53,500 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 629, filed with the Commission September 27, 1909. It appears that "grindstone sand" consists of chips and sediment which accumulates under large grindstones: it is less expensive than ordinary sand, and is used as refractory material in connection with the operation of complainant's furnaces; it may be said to be analogous to crushed stone. On the date said shipment moved respondent had in effect on carload shipments of crushed stone a rate of 55 cents per net ton applying from LeRoy, N. Y., to Depew, Batavia being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 1060, filed with the Commission October 16, 1908. Effective October 8, 1909, respondent established a rate of 55 cents per net ton on grindstone sand, carloads, applying from Batavia to Depew, as shown by its freight tariff P. S. C., 2 N. Y., No. 1466, filed with the Commission September 7, 1909. Complainant claims, and respondent admits, that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 55 cents per net ton which was made effective October 8, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $26.75, the amount collected upon said shipment, and $14.71, the sum produced by a rate of 55 cents per net ton upon a carload weight of 53,500 pounds, that is to say, $12.04, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, Gould Coupler Company, is entitled to recover from the respondent, Erie Railroad Company, the sum of $12.04 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $26.75 for transportation of the shipment aforesaid.

[Case No. 1645]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

THE AMERICAN HARD WALL PLASTER CO., complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $10.

Upon a shipment of one carload of plaster on September 10, 1909, over the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) from Utica to Selkirk within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $30, computed at a rate of 7½ cents per hundred pounds upon a carload weight of 40,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity, as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that the transportation charge was borne by complainant, The American Hard Wall Plaster Co. On the date said shipment moved there was in effect on plaster, carloads, a rate of $1.25 per net ton applying over the West Shore railroad from Syracuse, N. Y., to Selkirk, Utica being intermediate thereto, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1441, filed with the Commission April 16, 1909, but said rate of $1.25 per net ton was inapplicable to the shipments transported as aforesaid. Effective November 15, 1909, a rate of $1 per net ton was established on plaster, carloads, applying from Utica to Selkirk, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1818, filed with the Commission October 13, 1909. Complainant claims, and respondent admits, that the said rate of 7½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of $1 per net ton which was made effective November 15, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $30, the amount collected upon said shipment, and $20, the sum produced by a rate of $1 per net ton upon a carload weight of 40,000 pounds, that is to say, $10, should be allowed to complainant upon said shipment, it is

Ordered: That complainant, The American Hard Wall Plaster Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $10 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $30 for transportation of the shipment aforesaid.

[Case No. 1646]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

FOSTER-ARMSTRONG COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $65.

Upon a shipment of one carload of fire clay on July 1, 1909, from Macedon, N. Y., on the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) to East Rochester, N. Y., on the New York Central and Hudson River railroad, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Foster-Armstrong Company, for the transportation thereof the sum of $105, computed at a rate of 10½ cents per hundred pounds upon a carload weight of 100,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of fire clay, as contained in the West Shore railroad freight tariff P. S. C., 2 N. Y., No. 204, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission September 24, 1907. On the date said shipment moved there was in effect a rate of 4 cents per hundred pounds applying from said point of shipment to destination over the New York Central and Hudson River railroad as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, but which rate of 4 cents per hundred pounds was inapplicable to the shipment transported as aforesaid. Effective September 4, 1909, a rate of 80 cents per net ton was established on fire clay, carloads, applying from Macedon on the West Shore railroad to East Rochester on the New York Central and Hudson River railroad, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1731, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission August 4, 1909. Complainant claims, and respondent admits, that the said rate of 10½ cents per hundred pounds was excessive. and respondent further admits that said reduced rate of 80 cents per net ton made effective September 4, 1909, over the route said shipment traversed, would be a just and reasonable charge applied thereto. It appearing to the Commission that reparation to the extent of the difference between $105, the amount collected upon said shipment, and $40, the sum produced by a rate of 80 cents per net ton upon a carload weight of 100,000 pounds, that is to say, $65, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, Foster-Armstrong Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $65 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $105 for transportation of the shipment aforesaid.

[Case No. 1647]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

TICONDEROGA PULP AND PAPER COMPANY, complainant, *v.* THE DELAWARE AND HUDSON COMPANY and ERIE RAILROAD COMPANY, respondents.

Authority to refund $21.18.

Upon a shipment of one carload of printing paper on September 11, 1909, from Delano Junction, N. Y., over The Delaware and Hudson Company's railroad, and via Binghamton, N. Y., and the Erie railroad to Endicott, N. Y., respondents, The Delaware and Hudson Company and Erie Railroad Company, charged and collected from complainant, Ticonderoga Pulp and Paper Company, for the transportation thereof the sum of $72.02, computed at a rate of 17 cents per hundred pounds upon a carload weight of 42,364 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of printing paper, as contained in supplement No. 1 to The Delaware and Hudson Company freight tariff P. S. C., 2 N. Y., No. 1017, issued jointly with Erie Railroad Company, filed with the Commission October 26, 1908. On the date said shipment moved there was in effect on printing paper, carloads, a rate of 12 cents per hundred pounds, applying from Delano Junction via Binghamton to Owego, N. Y., and Elmira, N. Y., on the Erie railroad, Endicott being intermediate thereto, as contained in The Delaware and Hudson Company freight tariff P. S. C., 2 N. Y., No. 2035, issued jointly with Erie Railroad Company, filed with the Commission June 8, 1909, but said rate of 12 cents per hundred pounds was inapplicable to the shipment transported as aforesaid. Effective February 12, 1910, a rate of 12 cents per hundred pounds was established on carload shipments of printing paper applying from Delano Junction via Binghamton to Endicott, as shown by supplement No. 4 to The Delaware and Hudson Company freight tariff P. S. C., 2 N. Y., No. 2170, issued jointly with Erie Railroad Company, filed with the Commission January 12, 1910. Complainant claims, and respondents admit, that the said rate of 17 cents per hundred pounds was excessive, and respondents further admit that the said reduced rate of 12 cents per hundred pounds which was made effective February 12, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $72.02, the amount collected upon said shipment, and $50.84, the sum produced by a rate of 12 cents per hundred pounds upon a carload weight of 42,364 pounds, that is to say, $21.18, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, Ticonderoga Pulp and Paper Company, is entitled to recover from respondents, The Delaware and Hudson Company and Erie Railroad Company, the sum of $21.18 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $72.02 for transportation of the shipment aforesaid.

[Case No. 1648]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

THE RACQUETTE LAKE SUPPLY CO., complainant. *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, NEW YORK AND OTTAWA RAILWAY COMPANY, and RAQUETTE LAKE RAILWAY COMPANY, respondents.

Authority to refund $17.56.

Upon a shipment of one mixed carload of hay and potatoes on or about October 27, 1909, from Moira, N. Y., over the New York and Ottawa railway, via Tupper Lake Junction, N. Y., and the New York Central and Hudson River railroad to Clearwater, N. Y., and thence over the Raquette Lake railway to Raquette Lake, N. Y., respondents, The New York Central and Hudson River Railroad Company, the New York and Ottawa Railway Company, and the Raquette Lake Railway Company, charged and collected from complainant, The Racquette Lake Supply Co., for the transportation thereof the sum of $118.53, computed at a rate of 27 cents per hundred pounds upon a carload weight of 43,900 pounds. Such charge was assessed in accordance with effective rate of 15 cents per hundred pounds on hay and potatoes, carloads, from Moira to Clearwater, as contained in New York and Ottawa Railway Company freight tariff P. S. C., 2 N. Y., No. 23, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission September 13, 1907, and rate of 12 cents per hundred pounds from Clearwater to Raquette Lake, as contained in The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 943, applying between stations on the Raquette Lake railway, filed with the Commission September 24, 1907. On the date said shipment moved there was in effect from Malone, N. Y., to Raquette Lake, on potatoes, carloads, a rate of 23 cents per hundred pounds, as contained in The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 5604, issued jointly with the Raquette Lake Railway Company, filed with the Commission April 14, 1909; and on hay, carloads, a rate of 18 cents per hundred pounds, as contained in The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 5556, issued jointly with the Raquette Lake Railway Company, filed with the Commission April 12, 1909. It appears that Malone and Moira are situated on different railroads but they are in the same vicinity, and from that territory the same basis is used in making through joint rates. Effective February 26, 1910, a through rate of 23 cents per hundred pounds was established on mixed carload shipments of hay and potatoes, applying from Moira to Raquette Lake, as shown by New York and Ottawa Railway Company freight tariff P. S. C., 2 N. Y., No. 164, issued jointly with The New York Central and Hudson River Railroad Company and Raquette Lake Railway Company, filed with the Commission January 23, 1910. Complainant claims, and respondents admit, that the said rate of 27 cents per hundred pounds was excessive, and respondents further admit that the said reduced rate of 23 cents per hundred pounds which was made effective from said points of shipment to destination February 26, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $118.53, the amount collected upon said shipment, and $100.97, the sum produced by a rate of 23 cents per hundred pounds upon a carload weight

of 43,900 pounds, that is to say, $17.56, should be allowed to complainant upon said shipment, it is

Ordered: That complainant, The Racquette Lake Supply Co., is entitled to recover from respondents, The New York Central and Hudson River Railroad Company, New York and Ottawa Railroad Company, and Raquette Lake Railway Company, the sum of $17.56 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $118.53 for transportation of the shipment aforesaid.

[Case No. 1650]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

W. EDDY PLOW COMPANY, complainant, *v.* GREENWICH AND JOHNSONVILLE RAILWAY COMPANY and BOSTON AND MAINE RAILROAD, respondents.

Authority to refund $42.

Upon a shipment of one carload of moulding sand on October 8, 1909, from Schuylerville, N. Y., over the Boston and Maine railroad, via Johnsonville, N. Y., and the Greenwich and Johnsonville railway to Greenwich, N. Y., respondents, Greenwich and Johnsonville Railway Company and Boston and Maine Railroad, charged and collected from complainant, W. Eddy Plow Company, for the transportation thereof the sum of $66, computed at a rate of 11 cents per hundred pounds upon a carload weight of 60,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity, as contained in Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 170, issued jointly with the Greenwich and Johnsonville Railway Company, filed with the Commission April 6, 1909. On the date said shipment moved there were in effect on shipments of moulding sand, carloads, local rates of 40 cents per net ton applying from Schuylerville to Johnsonville, as contained in Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 95, filed with the Commission October 4, 1907, and $1 per net ton applying from Johnsonville to Greenwich as contained in Greenwich and Johnsonville Railway Company freight tariff P. S. C., 2 N. Y., No. 128, filed with the Commission, February 1, 1908, a combination rate of $1.40 per net ton, but inapplicable to the shipment transported as aforesaid. Effective November 3, 1909, a rate of 80 cents per net ton was established on carload shipments of moulding sand applying from Schuylerville to Greenwich, as shown by Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 298, issued jointly with the Greenwich and Johnsonville Railway Company, filed with the Commission October 1, 1909. Complainant claims, and respondents admit, that the said rate of 11 cents per hundred pounds was excessive, and respondents further admit that the said reduced rate of 80 cents per net ton which was made effective November 3, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $66, the amount collected upon said shipment, and $24, the sum produced by a rate of 80 cents per net ton upon a carload weight of 60,000 pounds, that is to say, $42, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, W. Eddy Plow Company, is entitled to recover from respondents, Greenwich and Johnsonville Railway Company and Boston and Maine Railroad, the sum of $42 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $66 for transportation of the shipment aforesaid.

[Case No. 1651]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

SYMANSKY BROS., complainants, *v.* BOSTON AND MAINE RAILROAD, respondent. — Authority to refund $13.98.

Upon two carload shipments of scrap iron received from the Hudson Valley railway (an electric line) and transported on or about December 4, 1909, over the Boston and Maine railroad from Stillwater to Troy within this State, respondent, Boston and Maine Railroad, charged and collected from complainants, Symansky Bros., for the transportation thereof from Stillwater to Troy the sum of $47.18, computed at a rate of $1.35 per gross ton upon an aggregate weight of 78,300 pounds. Such charge was assessed in accordance with effective rate on carload shipments of scrap iron as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 200, filed with the Commission August 19, 1908. On the date said shipments moved there was in effect on carload shipments of scrap iron rates of 30 cents per gross ton applying from Stillwater to Mechanicville, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 61, filed with the Commission October 1, 1907, and 65 cents per gross ton applying from Mechanicville to Troy, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 200, filed with the Commission August 19, 1908, a combination rate of 95 cents per gross ton, but inapplicable to the shipment transported as aforesaid. Effective February 6, 1910, respondent established a rate of 95 cents per gross ton upon scrap iron, carloads, applying from Stillwater to Troy, as shown by supplement No. 7 to its freight tariff P. S. C., 2 N. Y., No. 200, filed with the Commission January 5, 1910. Complainants claim, and respondent admits, that the said rate of $1.35 per gross ton was excessive, and respondent further admits that the said reduced rate of 95 cents per gross ton which was made effective February 6, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $47.18, the amount collected upon said shipments, and $33.20, the sum produced by a rate of 95 cents per gross ton upon an aggregate weight of 78,300 pounds, that is to say, $13.98, should be allowed to complainants upon said shipments, it is

Ordered: That complainants, Symansky Bros., are entitled to recover from respondent, Boston and Maine Railroad, the sum of $13.98 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $47.18 for transportation of the shipments aforesaid.

[Case No. 1652]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

COY, HUNT AND COMPANY, complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, respondents.

Authority to refund $6.61.

Upon one less than carload shipment of printing paper on October 21, 1909, from Felts Mills, N. Y., over The New York Central and Hudson River Railroad Company, and via Utica, N. Y., and the Delaware, Lackawanna and Western railroad to New Hartford, N. Y., respondents, The New York Central and Hudson River Railroad Company and The Delaware, Lackawanna and Western Railroad Company, charged and collected for the transportation thereof the sum of $18.17, computed at a rate of 33 cents per hundred pounds upon a weight of 5,506 pounds. Such charge was assessed in accordance with effective third-class rate on less than carload shipments of printing paper, as contained in The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 6745, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission August 31, 1909. It appears that the transportation charges were borne by complainants, consignees. On the date said shipment moved there were in effect local rates of 15 cents per hundred pounds applying from Felts Mills to Utica, as contained in supplement No. 1 to The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 6689, filed with the Commission September 9, 1909, and 6 cents per hundred pounds applying from Utica to New Hartford, as contained in The Delaware, Lackawanna and Western Railroad Company freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission September 20, 1907, a combination rate of 21 cents per hundred pounds, but inapplicable to the shipment transported as aforesaid. Effective December 20, 1909, there was established a through rate of 21 cents per hundred pounds on printing paper, less than carload, applying from Felts Mills to New Hartford, as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 7181, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission November 18, 1909. Complainants claim, and respondents admit, that the said rate of 33 cents per hundred pounds was excessive, and respondents further admit that the said reduced through rate of 21 cents per hundred pounds which was made effective December 20, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $18.17, the amount collected upon said shipment, and $11.56, the sum produced by a rate of 21 cents per hundred pounds upon a weight of 5,506 pounds, that is to say, $6.61, should be allowed to complainants upon said shipment, it is

Ordered: That the complainants, Coy, Hunt and Company, are entitled to recover from respondents, The New York Central and Hudson River Railroad Company and The Delaware, Lackawanna and Western Railroad Company, the sum of $6.61 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $18.17 for transportation of the shipment aforesaid.

[Case No. 1655]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

MASON & HANGER COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, respondents.

Authority to refund $56.

Upon a shipment of one carload of crushed stone on November 13, 1909, from Tompkins Cove, N. Y., on the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), via Cornwall, N. Y., and the New York, Ontario and Western railway to Firthcliffe, N. Y., respondents, The New York Central and Hudson River Railroad Company and New York, Ontario and Western Railway Company, charged and collected from complainant, Mason & Hanger Company, for the transportation thereof the sum of $88, computed at a rate of 11 cents per hundred pounds upon a carload weight of 80,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity, as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1757, issued jointly with New York, Ontario and Western Railway Company, filed with the Commission August 31, 1909. At the time said shipment moved there were in effect on crushed stone, carloads, local rates of 35 cents per net ton applying from Tompkins Cove to Cornwall, as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1535, filed with the Commission April 24, 1909, and 60 cents per net ton applying from Cornwall to Firthcliffe, as shown by New York, Ontario and Western Railway Company freight tariff P. S. C., 2 N. Y., No. 509, filed with the Commission September 25, 1907, a combination rate of 95 cents per net ton, but inapplicable to the shipment transported as aforesaid. Respondents state that if previous to the movement of said shipment request had been made therefor a rate of 80 cents per net ton would have been established on carload shipments of crushed stone applying from said point of shipment to destination. Effective December 8, 1909, in accordance with special permission order of the Commission No. 1317, a through rate of 80 cents per net ton was established on crushed stone, carloads, from Tompkins Cove to Firthcliffe as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1875, issued jointly with New York, Ontario and Western Railway Company, filed with the Commission December 6, 1909. Complainant claims, and respondents admit, that the said rate of 11 cents per hundred pounds was excessive, and respondents further admit that the said reduced through rate of 80 cents per net ton which was made effective December 8, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $88, the amount collected upon said shipment, and $32, the sum produced by a rate of 80 cents per net ton upon a carload weight of 80,000 pounds, that is to say, $56, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, Mason & Hanger Company, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and New York, Ontario and Western Railway Company, the sum of $56 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $88 for transportation of the shipment aforesaid.

[Case No. 1656]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

COLE & HITCHCOCK, complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $23.13.

Upon two carload shipments of tomato plants, one carload on May 28, 1909, of weight 18,880 pounds, and one carload on June 2, 1909, of weight 17,380 pounds, over the New York Central and Hudson River railroad from Sanborn to Eagle Harbor within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainants, Cole & Hitchcock, for the transportation thereof the sum of $47.13, computed at a rate of 13 cents per hundred pounds. Such charge was assessed in accordance with effective second-class rate on carload shipments of said commodity, minimum weight 10,000 pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. Sanborn, Eagle Harbor, and Lockport, N. Y., are situated on the Western division of respondent, and on the date said shipments were moved there was in effect a rate of 6 cents per hundred pounds on shipments of tomato plants, carloads, minimum weight 20,000 pounds, applying from Lockport to various stations the distance between which is greater than from Sanborn to Eagle Harbor, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 3844, filed with the Commission May 9, 1908. Respondent states that if previous to the movement of said shipments request had been made therefor a rate of 6 cents per hundred pounds on tomato plants, carloads, minimum weight 20,000 pounds, would have been established applying from Sanborn to Eagle Harbor. Effective October 25, 1909, a rate of 6 cents per hundred pounds was established on tomato plants, carloads, minimum weight 20,000 pounds, applying from Sanborn to Eagle Harbor, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 6942, filed with the Commission September 24, 1909. Complainants claim, and respondent admits, that the said rate of 13 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 6 cents per hundred pounds which was made effective October 25, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $47.13, the amount collected upon said shipments, and $24, the sum produced by a rate of 6 cents per hundred pounds upon two carload shipments of respective weights 18,880 pounds and 17,380 pounds, in accordance with minimum carload weight provision contained in respondent's said freight tariff P. S. C., 2 N. Y., No. 6942, that is to say, $23.13, should be allowed to complainants upon said shipments, it is

Ordered: That complainants, Cole & Hitchcock, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $23.13 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $47.13 for transportation of the shipments aforesaid.

[Case No. 1657]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
Commissioners.

Stillwater Crushed Stone Company, complainant, *v.* Boston and Maine Railroad and The Delaware and Hudson Company, respondents.

Authority to refund $45.82.

Upon a shipment of two carloads of crushed stone on respectively September 24 and 30, 1909, from Wayville, N. Y., over the Boston and Maine railroad and via Mechanicville, N. Y., and The Delaware and Hudson Company's railroad to Ballston, N. Y., respondents, Boston and Maine Railroad and The Delaware and Hudson Company, charged and collected for the transportation thereof the sum of $74.80, computed at a rate of 8 cents per hundred pounds upon an aggregate weight of 93,500 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of crushed stone as contained in Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 20, issued jointly with The Delaware and Hudson Company, filed with the Commission September 12, 1907. It appears that the transportation charges were borne by complainant, consignor. At the time said shipment moved there were in effect on crushed stone, carloads, local rates of 30 cents per gross ton equal to 27 cents per net ton applying from Wayville to Mechanicville, as contained in Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 252, filed with the Commission January 7, 1909, and 35 cents per net ton applying from Mechanicville to Ballston, as contained in The Delaware and Hudson Company freight tariff P. S. C., 2 N. Y., No. 1559, filed with the Commission May 18, 1908, a combination rate of 62 cents per net ton, but inapplicable to the shipments transported as aforesaid. Effective November 17, 1909, in accordance with rule No. 50 of the Commission's circular No. 38, a through rate of 62 cents per net ton was established on crushed stone, carloads, applying from Wayville to Ballston, as shown by Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 307, issued jointly with The Delaware and Hudson Company, filed with the Commission November 15, 1909. Complainant claims, and respondents admit, that the said rate of 8 cents per hundred pounds was excessive, and respondents further admit that the said reduced rate of 62 cents per net ton which was made effective November 17, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $74.80, the amount collected upon said shipments, and $28.98, the sum produced by a rate of 62 cents per net ton upon an aggregate weight of 93,500 pounds, that is to say, $45.82, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Stillwater Crushed Stone Company, is entitled to recover from respondents, Boston and Maine Railroad and The Delaware and Hudson Company, the sum of $45.82 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $74.80 for transportation of the shipments aforesaid.

[Case No. 1658]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

AMERICAN FRUIT PRODUCT COMPANY, complainant, *v.* THE PENNSYLVANIA RAILROAD COMPANY, respondent. — Authority to refund $30.47.

Upon five carload shipments of cider apples from Delevan, Caneadea, and Chaffee over the Pennsylvania railroad to Rochester within this State, respondent, The Pennsylvania Railroad Company, charged and collected from complainant, American Fruit Product Company, for the transportation thereof, in accordance with effective rates contained in respondent's freight tariff S. S., P. S. C., 2 N. Y., No. 395, filed with the Commission May 21, 1908, the sum of $179.28, as follows: two carloads transported respectively on October 28 and November 9, 1908, from Delevan to Rochester, of aggregate weight 101,000 pounds, at 10½ cents per hundred pounds, $106.05; two carloads transported respectively on October 31 and November 10, 1908, from Caneadea to Rochester, of aggregate weight 51,500 pounds, at 9 cents per hundred pounds, $46.35; one carload transported on November 2, 1908, from Chaffee to Rochester, of weight 25,500 pounds, at 10½ cents per hundred pounds, $26.88: total, $179.28. Respondent states that previous to the movement of said shipments complainant was advised that reduced rates of 8½ cents per hundred pounds from Delevan and Chaffee to Rochester, and of 8 cents per hundred pounds from Caneadea to Rochester, would be established on carload shipments of cider apples, which rates were not made effective until after the shipments aforesaid were transported. It appears from respondent's freight tariff S. S., P. S. C., 2 N. Y., No. 455, filed with the Commission October 16, 1908, effective November 17, 1908, there were in effect on carload shipments of cider apples a rate of 8½ cents per hundred pounds applying from Delevan and Chaffee to Rochester and rate of 8 cents per hundred pounds applying from Caneadea to Rochester, and which rates were canceled on December 31, 1908. It also appears that said last named rates on said commodity, carloads, from and to said points, were reëstablished effective September 27, 1909, as shown by respondent's freight tariff S. S., P. S. C., 2 N. Y., No. 564, filed with the Commission August 26, 1909, and are now in effect. Complainant claims, and respondent admits, that the rates charged and collected from complainant on the shipments aforesaid were excessive, and respondent further admits that the said reduced rate of 8½ cents and 8 cents per hundred pounds as herein described would be just and reasonable charges applied to the shipments in question, and which would result as follows: two carloads from Delevan to Rochester, of aggregate weight 101,000 pounds, at 8½ cents per hundred pounds, $85.85; two carloads from Caneadea to Rochester, of aggregate weight 51,500 pounds, at 8 cents per hundred pounds, $41.20; one carload from Chaffee to Rochester, of weight 25,600 pounds, at 8½ cents per hundred pounds, $21.76: total, $148.81. It appearing to the Commission that reparation to the extent of the difference between $179.28, the aggregate amount collected upon said shipments, and $148.81, the sum produced by said reduced rates of 8½ cents and 8 cents per hundred pounds upon said shipments as herein described, that is to say, $30.47, should be allowed to complainants upon said shipments, it is

Ordered: That complainant, American Fruit Product Company, is entitled to recover from respondent, The Pennsylvania Railroad Company, the sum of $30.47, as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $179.28 for transportation of the shipments aforesaid.

[Case No. 1659]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
Commissioners.

W. A. Trescott, complainant, *v.* The New York Central and Hudson River Railroad Company, respondent.

Authority to refund $19.26.

Upon a shipment of one carload of apple skins and apple cores on July 29, 1909, over the New York Central and Hudson River railroad from Fairport to Webster within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $41.73, computed at a rate of 13 cents per hundred pounds upon a carload weight of 32,100 pounds. Such charge was assessed in accordance with the official classification and fifth-class rate contained in respondent's freight tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. It appears that the transportation charge was borne by complainant, consignor. The official classification provides also a fifth-class rate on green, dried, or evaporated apples, carloads, and on the date said shipment moved there was in effect a rate of 7 cents per hundred pounds applying from Fairport to Ontario, N. Y., Webster being intermediate thereto, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 4528, filed with the Commission August 24, 1908, but the said rate of 7 cents per hundred pounds was inapplicable to the commodities transported as aforesaid. Effective September 1, 1909, respondent established a fifth-class rate of 7 cents per hundred pounds on carload shipments of apple skins and apple cores applying from Fairport to Webster, as shown by its freight tariff P. S. C., 2 N. Y., No. 6579, filed with the Commission July 29, 1909. Complainant claims, and respondent admits, that the said rate of 13 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 7 cents per hundred pounds which was made effective September 1, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $47.13, the amount collected upon said shipment, and $22.47, the sum produced by a rate of 7 cents per hundred pounds upon a carload weight of 32,100 pounds, that is to say, $19.26, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, W. A. Trescott, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $19.26 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $41.73 for transportation of the shipment aforesaid.

[Case No. 1660]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

SAM. LEVY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and LEHIGH VALLEY RAILROAD COMPANY, respondents.

Authority to refund $134.47.

Upon shipments of four carloads of ice on March 2, 1909, from South Bay, N. Y., over the Lehigh Valley railroad and via Canastota, N. Y., to Chittenango, N. Y., on the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), respondents, The New York Central and Hudson River Railroad Company and Lehigh Valley Railroad Company, charged and collected for the transportation thereof the sum of $232.27, computed at a rate of 9½ cents per hundred pounds on an aggregate weight of 244,500 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity, as contained in Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-477, issued jointly with the West Shore railroad, filed with the Commission September 30, 1907. On the date said shipments moved there were in effect on carload shipments of ice a commodity rate of 30 cents per net ton applying from South Bay to Canastota, N. Y., as contained in Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-1029, filed with the Commission November 9, 1908, and a sixth-class rate of 70 cents per net ton applying from Canastota to Chittenango as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, a combination rate of $1 per net ton, but inapplicable to the shipments transported as aforesaid. Effective March 26, 1909, in accordance with special permission order of the Commission No. 886, the Lehigh Valley Railroad Company issued its freight tariff P. S. C., 2 N. Y., No. D-1121, filed with the Commission March 24, 1909, containing a rate of 80 cents per net ton on carload shipments of ice from said point of shipment to destination, but due to the fact that the West Shore railroad was not properly shown therein as a participating carrier said tariff was superseded by Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-1243, issued jointly with the West Shore railroad, filed with the Commission June 14, 1909, making effective a joint through rate of 80 cents per net ton on carload shipments of ice from South Bay to Chittenango, and said last named rate is still in effect. Complainant claims, and respondents admit, that the said rate of 9½ cents per hundred pounds was excessive, and respondents further admit that the said reduced joint through rate of 80 cents per net ton which was made effective July 15, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $232.27, the amount collected upon said shipments, and $97.80, the sum produced by a rate of 80 cents per net ton upon an aggregate weight of 244,500 pounds, that is to say, $134.47, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Sam. Levy, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and Lehigh Valley Railroad Company, the sum of $134.47 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $232.27 for transportation of the shipments aforesaid.

[Case No. 1712]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

EMPIRE BEET SUGAR COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $116.40.

Upon shipments of three carloads of beets, forwarded respectively on November 2, 6, and 8, 1909, over the New York Central and Hudson River railroad from Dunsbach Ferry to Lyons within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $194, computed at a rate of 12½ cents per hundred pounds upon an aggregate weight of 155,200 pounds. Such charge was assessed in accordance with effective fifth-class rate on carload shipments of beets as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that the transportation charges were borne by complainant. During the period said shipments moved respondent had in effect on beets, carloads, a commodity rate of $1 per net ton, applying from Albany, N. Y., and Niskayuna, N. Y., to Lyons, as contained in its freight tariff P. S. C., 2 N. Y., No. 6950, filed with the Commission September 30, 1909. Dunsbach Ferry is located in the immediate vicinity of Albany and Niskayuna, being distant about 4 miles from Niskayuna. Effective November 18, 1909, in accordance with special permission order of the Commission No. 1290, respondent established a rate of $1 per net ton applying from said point of shipment to destination, as shown by its freight tariff P. S. C., 2 N. Y., No. 7127, filed with the Commission November 16, 1909. Complainant claims, and respondent admits, that the said rate of 12½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of $1 per net ton which was made effective November 18, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $194, the amount collected upon said shipments, and $77.60, the sum produced by a rate of $1 per net ton, that is to say, $116.40, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Empire Beet Sugar Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $116.40 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $194 for transportation of the shipments aforesaid.

[Case No. 1713]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

JOHN F. DAILEY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $53.70.

Upon nine carload shipments of wheat during the period from August 3 to September 27, 1909, over the New York Central and Hudson River railroad from Kendall to Niagara Falls within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $268.52, computed at a rate of 5 cents per hundred pounds upon an aggregate weight of 537,040 pounds. Such charge was assessed in accordance with effective rate on carload shipments of wheat as contained in respondent's freight tariffs P. S. C., 2 N. Y., No. 6336, filed with the Commission May 25, 1909, and P. S. C., 2 N. Y., No. 6613, filed with the Commission July 30, 1909. Apparently the transportation charges were borne by complainant. Prior to June 26, 1909, respondent had in effect on carload shipments of wheat a rate of 4 cents per hundred pounds applying from said point of shipment to destination, and in accordance with special permission order of the Commission No. 1263, respondent reëstablished a rate of 4 cents per hundred pounds upon carload shipments of wheat applying from Kendall to Niagara Falls, as shown by supplement No. 2 to its freight tariff P. S. C., 2 N. Y., No. 6613, effective October 30, 1909, filed with the Commission October 28, 1909. Complainant claims, and respondent admits, that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 4 cents per hundred pounds which was reëstablished on October 30, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $268.52, the amount collected upon said shipments, and $214.82, the sum produced by a rate of 4 cents per hundred pounds upon an aggregate weight of 537,040 pounds, that is to say, $53.70, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, John F. Dailey, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $53.70 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $268.52 for transportation of the shipments aforesaid.

[Case No. 1714]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

JOHN F. DAILEY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $6.06.

Upon a carload shipment of wheat on August 12, 1909, over the New York Central and Hudson River railroad from Morton to Niagara Falls within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $30.28, computed at a rate of 5 cents per hundred pounds upon a carload weight of 60,560 pounds. Such charge was assessed in accordance with effective rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6336, filed with the Commission May 25, 1909. Apparently the transportation charge was borne by complainant. It appears that prior to June 25, 1909, respondent had in effect on carload shipments of wheat a rate of 4 cents per hundred pounds applying from said point of shipment to destination, and in accordance with special permission order of the Commission No. 1315 respondent reëstablished a rate of 4 cents per hundred pounds on carload shipments of wheat applying from Morton to Niagara Falls, as shown by supplement No. 3 to its freight tariff P. S. C., 2 N. Y., No. 6613, effective December 10, 1909, filed with the Commission December 8, 1909. Complainant claims, and respondent admits, that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 4 cents per hundred pounds which was made effective December 10, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $30.28, the amount collected upon said shipment, and $24.22, the sum produced by a rate of 4 cents per hundred pounds upon a carload weight of 60,560 pounds, that is to say, $6.06, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, John F. Dailey, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $6.06 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $30.28 for transportation of the shipment aforesaid.

[Case No. 1715]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

SAM. LEVY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and LEHIGH VALLEY RAILROAD COMPANY, respondents.

Authority to refund $13.86.

Upon a shipment of one carload of sawdust on March 15, 1909, from Chittenango, N. Y., over the New York Central and Hudson River railroad and via Canastota, N. Y., and the Lehigh Valley railroad to South Bay, N. Y., respondents, The New York Central and Hudson River Railroad Company and Lehigh Valley Railroad Company, charged and collected from complainant, Sam. Levy, for the transportation thereof the sum of $65.83, computed at a rate of 9½ cents per hundred pounds upon a carload weight of 69,300 pounds. Such charge was made in accordance with effective sixth-class rate on carload shipments of said commodity, as contained in The New York Central and Hudson River Railroad Company's freight tariff P. S. C., 2 N. Y., No. 652, issued jointly with the Lehigh Valley Railroad Company, filed with the Commission September 23, 1907. On the date said shipment moved there was in effect on carload shipments of sawdust a local rate of 3½ cents per hundred pounds applying from Chittenango to Canastota, as contained in The New York Central and Hudson River Railroad Company's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, and local rate of 4 cents per hundred pounds applying from Canastota to South Bay, as contained in Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. D-864, filed with the Commission May 16, 1908, a combination rate of 7½ cents per hundred pounds, but inapplicable to the shipment transported as aforesaid. Effective April 21, 1910, a joint through rate of 7½ cents per hundred pounds was established on carload shipments of sawdust applying from Chittenango to South Bay, as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 7544, filed with the Commission March 21, 1910. Complainant claims, and respondents admit, that the said rate of 9½ cents per hundred pounds was excessive, and respondents further admit that the said reduced joint through rate of 7½ cents per hundred pounds which was made effective April 21, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $65.83, the amount collected upon said shipment, and $51.97, the sum produced by a rate of 7½ cents per hundred pounds upon a carload weight of 69,300 pounds, that is to say, $13.86, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, Sam. Levy, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and Lehigh Valley Railroad Company, the sum of $13.86 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $65.83 for transportation of the shipment aforesaid.

[Case No. 1716]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

JOHN F. DAILEY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $4.01.

Upon one carload shipment of wheat on August 30, 1909, over the New York Central and Hudson River railroad from Kendall to State Street station, Rochester, within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, John F. Dailey, for the transportation thereof the sum of $20.04, computed at a rate of 5 cents per hundred pounds upon a carload weight of 40,085 pounds. Such charge was assessed in accordance with effective rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 5270, filed with the Commission January 30, 1909. Previous to March 3, 1909, respondent had in effect a rate of 4 cents per hundred pounds upon carload shipments of wheat applying from said point of shipment to destination, as contained in its freight tariff P. S. C., 2 N. Y., No. 3004, filed with the Commission December 19, 1907, and in accordance with special permission order of the Commission No. 1264, respondent reëstablished a rate of 4 cents per hundred pounds on wheat, carloads, applying from Kendall to State Street station, Rochester, as shown by supplement No. 3 to its freight tariff P. S. C., 2 N. Y., No. 5270, effective October 29, 1909, filed with the Commission October 27, 1909. Complainant claims, and respondent admits, that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said rate of 4 cents per hundred pounds which was reëstablished October 29, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $20.04, the amount collected upon said shipment, and $16.03, the sum produced by a rate of 4 cents per hundred pounds upon a carload weight of 40,085 pounds, that is to say, $4.01, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, John F. Dailey, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $4.01 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $20.04 for transportation of the shipment aforesaid.

[Case No. 1717]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

MASON & HANGER COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, respondents.

Authority to refund $50.72.

Upon a shipment of one carload of gravel on November 17, 1909, in N. Y. C. car 70026, of marked capacity 80,000 pounds, from Newburgh, N. Y., over the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) and via Cornwall, N. Y., and the New York, Ontario and Western railway to Firthcliffe, N. Y., respondents, The New York Central and Hudson River Railroad Company and New York, Ontario and Western Railway Company, charged and collected from complainant, Mason & Hanger Company, for the transportation thereof the sum of $80.72, computed at a rate of 11 cents per hundred pounds upon a carload weight of 73,380 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity as contained in West Shore Railroad freight tariff P. S. C., 2 N. Y., No. 1757, issued in connection with New York, Ontario and Western Railway Company, filed with the Commission August 31, 1909. On the date said shipment moved there was in effect on carload shipments of gravel local rates of 35 cents per net ton applying from Newburgh to Cornwall, as contained in West Shore Railroad freight tariff P. S. C., 2 N. Y., No. 1405, filed with the Commission March 9, 1909, and 60 cents per net ton applying from Cornwall to Firthcliffe, as contained in New York, Ontario and Western Railway Company freight tariff P. S. C., 2 N. Y., No. 509, filed with the Commission September 25, 1907, a combination of 95 cents per net ton, but inapplicable to the shipment transported as aforesaid. There was also in effect a rate on gravel, carloads, of 40 cents per net ton applying from Firthcliffe to Cornwall, as contained in New York, Ontario and Western Railway Company freight tariff P. S. C., 2 N. Y., No. 1466, filed with the Commission August 20, 1909. Respondents state that two or three days previous to the date of shipment request was made for the establishment of a commodity rate on gravel from said point of shipment to destination, and in accordance with special permission order of the Commission No. 1294, respondents established a rate of 80 cents per net ton applying from Newburgh to Firthcliffe, as shown by West Shore Railroad freight tariff P. S. C., 2 N. Y., No. 1887, effective November 19, 1909, filed with the Commission November 17, 1909. Respondents also state that subsequent investigation satisfied them that rate of 75 cents per net ton would be more equitable as compared with rates in effect between similarly situated points, and effective February 24, 1910, a rate of 75 cents per net ton was established on gravel, carloads, minimum weight to be marked capacity of car or not less than 40,000 pounds, applying from Newburgh to Firthcliffe, as shown by West Shore Railroad freight tariff P. S. C., 2 N. Y., No. 1921, filed with the Commission January 22, 1910. Complainant claims, and respondents admit, that the said rate of 11 cents per hundred pounds was excessive, and respondents further admit that the said reduced rate of 75 cents per net ton which was made effective February 24, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $80.72. the amount collected upon said shipment, and $30, the sum produced by a rate of 75 cents per net ton upon a carload weight of 80,000

pounds, in accordance with the minimum carload weight provision contained in said West Shore Railroad freight tariff P. S. C., 2 N. Y., No. 1921, that is to say, $50.72, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, Mason & Hanger Company, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and New York, Ontario and Western Railway Company, the sum of $50.72 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $80.72 for transportation of the shipment aforesaid.

[Case No. 1718]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

JOHN F. DAILEY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $16.59.

Upon three carload shipments of wheat forwarded respectively on August 14, 26, and September 23, 1909, over the New York Central and Hudson River railroad from Walker to Niagara Falls within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $82.97, computed at a rate of 5 cents per hundred pounds upon an aggregate weight of 165,930 pounds. Such charge was assessed in accordance with effective rate on carload shipments of wheat as contained in respondent's freight tariffs P. S. C., 2 N. Y., No. 6336, filed with the Commission May 25, 1909, and P. S. C., 2 N. Y., No. 6613, filed with the Commission July 30, 1909. Apparently the transportation charges were borne by complainant. Previous to June 20, 1909, respondent had in effect on carload shipments of wheat a rate of 4 cents per hundred pounds applying from said point of shipment to destination, and effective December 10, 1909, in accordance with special permission order of the Commission No. 1315, respondent reëstablished a rate of 4 cents per hundred pounds on wheat, carloads, applying from Walker to Niagara Falls, as shown by supplement No. 3 to its freight tariff P. S. C., 2 N. Y., No. 6613, filed with the Commission December 8, 1909. Complainant claims, and respondent admits, that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said reëstablished rate of 4 cents per hundred pounds, which was made effective December 10, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $82.97, the amount collected upon said shipments, and $66.38, the sum produced by a rate of 4 cents per hundred pounds upon an aggregate weight of 165,930 pounds, that is to say, $16.59, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, John F. Dailey, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $16.59 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $82.97 for transportation of the shipments aforesaid.

[Case No. 1719]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

JOHN F. DAILEY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $4.27.

Upon one carload shipment of wheat on August 2, 1909, over the New York Central and Hudson River railroad from Hamlin to Niagara Falls within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $21.35, computed at a rate of 5 cents per hundred pounds upon a carload weight of 42,700 pounds. Such charge was assessed in accordance with effective rate on carload shipments of wheat as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6336, filed with the Commission May 25, 1909. Apparently the transportation charge was borne by complainant. Previous to June 26, 1909, respondent had in effect on carload shipments of wheat a rate of 4 cents per hundred pounds applying from said point of shipment to destination, as contained in its freight tariff P. S. C., 2 N. Y., No. 3004, filed with the Commission December 19, 1907; and effective December 10, 1909, in accordance with special permission order of the Commission No. 1315, respondent reëstablished a rate of 4 cents per hundred pounds on wheat, carloads, from Hamlin to Niagara Falls, as shown by supplement No. 3 to its freight tariff P. S. C., 2 N. Y., No. 6613, filed with the Commission December 8, 1909. Complainant claims, and respondent admits, that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 4 cents per hundred pounds, reëstablished December 10, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $21.35, the amount collected upon said shipment, and $17.08, the sum produced by a rate of 4 cents per hundred pounds upon a carload weight of 42,700 pounds, that is to say, $4.27, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, John F. Dailey, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $4.27 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $21.35 for transportation of the shipment aforesaid.

[Case No. 1720]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

THE ORANGE COUNTY ROAD CONSTRUCTION COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, respondents.

Authority to refund $1309.75.

Upon carload shipments of crushed stone from Tompkins Cove, N. Y., on the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) and via Cornwall, N. Y., and the New York, Ontario and Western railway to Rock Tavern, N. Y., and Little Britain, N. Y., respondents, The New York Central and Hudson River Railroad Company and New York, Ontario and Western Railway Company, charged and collected from complainant, The Orange County Road Construction Company, for the transportation thereof the sum of $2293.50 as follows: during the period from September 24 to October 7, 1909, from Tompkins Cove to Rock Tavern, fourteen carloads, of aggregate weight 910,000 pounds, charged at effective rate of 11 cents per hundred pounds, as contained in West Shore Railroad freight tariffs P. S. C., 2 N. Y., No. 473, filed with the Commission October 14, 1907, and P. S. C., 2 N. Y., No. 1757, filed with the Commission August 31, 1909, issued in connection with New York, Ontario and Western Railway Company, $1001.00; during the period from October 11 to 30, 1909, from Tompkins Cove to Little Britain, sixteen carloads, of aggregate weight 1,175,000 pounds, charged at effective rate of 11 cents per hundred pounds, as contained in West Shore Railroad freight tariff P. S. C., 2 N. Y., No. 1757, issued in connection with New York, Ontario and Western Railway Company, filed with the Commission August 31, 1909, $1292.50: total, $2293.50.

During the period said shipments moved there was in effect on carload shipments of crushed stone a commodity rate of $1 per net ton applying from Tompkins Cove via Cornwall to Middletown, N. Y., on the New York, Ontario and Western Railway, Rock Tavern and Little Britain being intermediate thereto, as shown by West Shore Railroad freight tariff P. S. C., 2 N. Y., No. 1686, issued in connection with New York, Ontario and Western Railway Company, filed with the Commission June 30, 1909, but said rate of $1 per net ton was inapplicable to the shipments transported as aforesaid. Respondents state that if previous to the movement of said shipments request had been made therefor, rates of $1 per net ton applying from Tompkins Cove to Rock Tavern, and 90 cents per net ton applying from Tompkins Cove to Little Britain, would have been established on carload shipments of crushed stone. Effective December 1, 1909, a rate of $1 per net ton was established on crushed stone, carloads, applying from Tompkins Cove to Rock Tavern, as shown by West Shore Railroad freight tariff P. S. C., 2 N. Y., No. 1839, issued in connection with New York, Ontario and Western Railway Company, filed with the Commission October 30, 1909; and effective December 8, 1909, in accordance with special permission order of the Commission No. 1317, a rate of 90 cents per net ton was established on crushed stone, carloads, applying from Tompkins Cove to Little Britain, as shown by West Shore Railroad freight tariff P. S. C., 2 N. Y., No. 1875, issued in connection with New York, Ontario and Western Railway Company, filed with the Commission December 6, 1909. Complainant claims, and respondents admit, that the said rate of 11 cents per hundred pounds applied and collected upon said shipments as aforesaid was excessive, and respondents further admit that said reduced rates

which were made effective as herein described from said point of shipment to destinations would be just and reasonable charges applied to the shipments in question, and which would result as follows: from Tompkins Cove to Rock Tavern, aggregate carload weight of 910,000 pounds, at $1 per net ton, $455; from Tompkins Cove to Little Britain, aggregate carload weight of 1,175,000 pounds, at 90 cents per net ton, $528.75: total, $983.75. It appearing to the Commission that reparation to the extent of the difference between said total charge of $2293.50 as originally applied and collected upon said shipments, and $983.75, the sum produced by said reduced rates as hereinabove described, that is to say, $1309.75, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, The Orange County Road Construction Company, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and New York, Ontario and Western Railway Company, the sum of $1309.75 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $2293.50 for transportation of the shipments aforesaid.

[Case No. 1721]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

UTICA STEAM AND MOHAWK VALLEY COTTON MILLS, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $6.86.

During the month of June, 1909, respondent, The New York Central and Hudson River Railroad Company, transported for complainant, Utica Steam and Mohawk Valley Cotton Mills, three carloads of sand from Forestport to Utica within this State, for which a transportation charge, computed at the effective rate of 30 cents per net ton and amounting to the sum of $41.36, was assessed as follows: N. Y. C. car 47121, 93,100 pounds, $13.97; N. Y. C. car 82355, 93,400 pounds, $14.01; N. Y. C. car 86204, 89,200 pounds, $13.38: $41.36. Delivery of said shipments to complainant necessitated switching from respondent's track connection with and over the New York, Ontario and Western railway, and in accordance with the New York, Ontario and Western Railway Company switching tariff P. S. C., 2 N. Y., No. 1243, filed with the Commission November 13, 1908, a charge of $3.50 per car was properly assessed for such switching service, amounting to $10.50 for the three carloads in question, or $51.86 for transportation and switching service. During the period said shipments moved respondent had in effect its switching absorption tariff P. S. C., 2 N. Y., No. 5027, filed with the Commission November 13, 1908, which provided at Utica that connecting railroads' switching charge of $3.50 per car would be absorbed on shipments in lots of 10,000 pounds or over on which the minimum revenue is $15 per car. Effective December 27, 1909, respondent in its tariff P. S. C., 2 N. Y., No. 7122, filed with the Commission November 26, 1909, established new regulations governing absorption of switching charges at junction points, which provided that thereafter respondent would absorb the amount by which its freight revenue plus the switching charge of connecting line exceeds the minimum freight revenue of $15 per car as specified in said tariff. Respondent

states that complainant ordered cars of sufficient capacity to bring the freight revenue thereon to at least $15 per car, but respondent was unable to furnish the same, and cars of lesser capacity and on which the freight revenue would be less than $15 per car were necessarily furnished and accepted. Complainant claims, and respondent admits, that the failure by respondent to absorb said switching charge of $10.50, assessed in accordance with New York, Ontario and Western Railway Company said switching tariff P. S. C., 2 N. Y., No. 1243, was unreasonable and unjust, and respondent further admits that the absorption of a charge for switching service as prescribed in its said switching absorption tariff P. S. C., 2 N. Y., No. 7122, as herein described, would be just and reasonable as applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $51.86, the amount collected upon said shipments for transportation and switching service, and $45, the sum produced by the application of the regulations governing absorption of switching charges as prescribed in respondent's said switching absorption tariff P. S. C., 2 N. Y., No. 7122, that is to say, $6.86, should be allowed to complainant, it is

Ordered: That the complainant, Utica Steam and Mohawk Valley Cotton Mills, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $6.86 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $51.86 for transportation and switching service aforesaid.

[Case No. 1724]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

C. H. TURVER, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $53.24.

Upon four carload shipments of sand and gravel transported during the period from December 3 to 15, 1909, over the New York Central and Hudson River railroad from Lewiston to Niagara Falls and Suspension Bridge within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $123.94, computed at the effective sixth-class rate of 3½ cents per hundred pounds, carloads, minimum weight 40,000 pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, as follows:

Car.	Marked capacity.	Weight.	Charge.
NYC 34904	100,000 pounds	90,100 pounds	$31 54
LS 55105	100,000 pounds	80,000 pounds	28 00
NYC 34815	100,000 pounds	104,000 pounds	36 40
NYC 34661	100,000 pounds	80,000 pounds	28 00
Total		354,100 pounds	$123 94

Apparently the transportation charges were borne by complainant. Respondent states that previous to the movement of said shipments complainant was quoted a rate of 35 cents per net ton on sand, carloads, minimum weight to be marked capacity of car but not less than 40,000 pounds, to apply from said point of shipment to said destination points as soon as the reduced rate could be made effective. Complainant states it was his understanding that the said reduced rate was applicable at once on sand and gravel. The reduced

rate of 35 cents per net ton on sand, carloads, minimum weight to be marked capacity of car but not less than 40,000 pounds, was made effective December 22, 1909, in accordance with special permission order of the Commission No. 1331, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 7271, filed with the Commission December 20, 1909. According to the official classification the same rate is applied to gravel, carloads, as to sand, and usually a commodity rate on both commodities should be the same for similar movement. Effective March 2, 1910, respondent established a rate of 35 cents per net ton on gravel, carloads, minimum weight marked capacity of car but not less than 40,000 pounds, applying from Lewiston to Niagara Falls and Suspension Bridge as shown by its freight tariff P. S. C., 2 N. Y., No. 7408, filed with the Commission January 29, 1910. Complainant claims, and respondent admits, that the said rate of 3½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 35 cents per net ton on shipments of sand and gravel, carloads, minimum weight marked capacity of car but not less than 40,000 pounds, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $123.94, the amount collected upon said shipments, and $70.70, the sum produced by a rate of 35 cents per net ton upon 404,000 pounds, the aggregate minimum carload weight involved in said shipments as computed in accordance with the minimum carload weight provision contained in respondent's said freight tariffs P. S. C., 2 N. Y., Nos. 7271 and 7408, that is to say, $53.24, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, C. H. Turver, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $53.24 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $123.94 for transportation of the shipments aforesaid.

[Case No. 887]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

H. G. ANDERSON & CO., complainants, *v.* BUFFALO AND SUSQUEHANNA RAILWAY COMPANY, respondent. — Authority to refund $6.14.

On or about December 31, 1908, respondent, Buffalo and Susquehanna Railway Company, transported for complainants, H. G. Anderson & Co., over the Buffalo and Susquehanna railway from Springville to Buffalo within this State, one carload of buckwheat, of weight 61,400 pounds, and charged and collected from complainant for the transportation thereof the sum of $30.70, computed at the effective sixth-class rate of 5 cents per hundred pounds as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission September 28, 1907. It appears that this shipment was originally forwarded upon order of complainants during November, 1908, over respondent's line from Buffalo to Springville, for which respondent charged and collected from complainant a transportation charge of $18.42, computed at the effective rate of 3 cents per hundred pounds as contained in supplement No. 2 to its freight tariff P. S. C., 2 N. Y., No. 60, filed with the Commission August 17, 1908; that the shipment was refused by consignee upon arrival at Springville and was returned to Buffalo by respondent upon order of complainants and transportation charge exacted as above described. Complainants filed formal complaint with the Commission, alleging

that the said rate of 5 cents per hundred pounds was unjust and unreasonable, which was served upon respondent and hearing had thereon in the city of Buffalo on June 11, 1909. No testimony was offered at the hearing, but it was contended by respondent that the said rate of 3 cents per hundred pounds applying from Buffalo to Springville was established to meet the rate of a competing carrier on similar traffic. It appeared at the hearing that the movement of grain from Springville to Buffalo was unusual, and the hearing was closed with the understanding that the Commission would entertain application by respondent for reparation to complainants upon establishment of a reduced rate applying upon shipments of buckwheat, carloads, from Springville to Buffalo. Subsequent to the hearing and as the result of further correspondence, respondent established a rate of 4 cents per hundred pounds upon local shipments of grain and grain products, carloads, from Buffalo to Springville, as shown by its freight tariff P. S. C., 2 N. Y., No. 187, effective March 15, 1910, filed with the Commission February 10, 1910, with provision therein that shipments of all kinds of grain when refused by consignee at Springville will be returned to Buffalo at the same rate as published in said last named tariff applying in the opposite direction. Respondent states that the shipment in question was local, originating at Buffalo, and if respondent's said freight tariff P. S. C., 2 N. Y., No. 187 had been in effect at the time the shipment was returned from Springville to Buffalo the transportation charge applicable thereto would have been at the rate of 4 cents per hundred pounds, or $24.56. Complainants signified their willingness to accept reparation based upon said reduced rate of 4 cents per hundred pounds. Upon the papers on file, including respondent's reduction of the rate challenged, its concession that the charge of $30.70 as originally applied and collected was excessive, and its admission that the said rate of 4 cents per hundred pounds would be a just and reasonable charge applied to the transportation of said shipment from Springville to Buffalo; and it appearing to the Commission that reparation to the extent of the difference between $30.70, the amount collected upon said shipment for the transportation thereof from Springville to Buffalo, and $24.56, the sum produced by a rate of 4 cents per hundred pounds upon a carload weight of 61,400 pounds, that is to say, $6.14, should be allowed to complainants upon said shipment, it is

Ordered: That the complainants, H. G. Anderson & Co., are entitled to recover from respondent, Buffalo and Susquehanna Railway Company, the sum of $6.14 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $30.70 for transportation of the shipment aforesaid from Springville to Buffalo.

[Case No. 1755]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
John B. Olmsted,
Commissioners.

W. H. Blight, complainant, *v.* The Ulster and Delaware Railroad Company, respondent. — Authority to refund $35.45.

Upon one carload shipment of coal transported on or about September 18, 1908, over the Ulster and Delaware railroad from Hobart to Arkville within this State, respondent, The Ulster and Delaware Railroad Company, charged and received for the transportation thereof the sum of $53.17, computed at a rate of $1.50 per gross ton upon a carload weight of 79,400 pounds. Such charge was assessed in accordance with respondent's effective rate on carload

shipments of said commodity as contained in its freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission September 28, 1907. It appears that the car in question was originally received from the Delaware and Eastern railroad at Arkville, moved to Hobart, and to correct an error in shipping instructions on the part of complainant's agent was reconsigned from Hobart to a point on the Delaware and Eastern railroad via Arkville. At the time said shipment moved respondent had in effect no reconsignment charge on coal from Hobart to Arkville, but effective March 25, 1909, it established a reconsignment charge on carload shipments of coal for various distances on its line, as shown by its freight tariff P. S. C., 2 N. Y., No. 24, filed with the Commission February 20, 1909, which applied to said shipment would result in a rate of 50 cents per gross ton, or $17.72. Complainant claims, and respondent admits, that the said rate of $1.50 per gross ton was excessive, and respondent further admits that the said reconsignment charge of 50 cents per gross ton made effective March 25, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $53.17, the amount collected upon said shipment, and $17.72, the sum produced by a rate of 50 cents per gross ton upon a carload weight of 79,400 pounds, that is to say, $35.45, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, W. H. Blight, is entitled to recover from respondent, The Ulster and Delaware Railroad Company, the sum of $35.45 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $53.17 for transportation of the shipment from Hobart to Arkville as aforesaid.

[Case No. 1759]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

ELLIOTT & HARTER and L. H. ELLIOTT, complainants,
v. THE PENNSYLVANIA RAILROAD COMPANY, respondent.

During August and September, 1909, the Mayville and Chautauqua Lake Ice Company of Mayville, N. Y., forwarded to complainants, Elliott & Harter and L. H. Elliott, at Chautauqua, N. Y., carload shipments of ice which involved transportation over a private siding of the Mayville and Chautauqua Lake Ice Company at Mayville to connection with tracks of The Pennsylvania Railroad Company, over the Pennsylvania railroad to its junction with the Jamestown, Chautauqua and Lake Erie railway located between The Pennsylvania Railroad Company's stations Mayville and Sherman, N. Y., and thence over the Jamestown, Chautauqua and Lake Erie railway to said destination point. At the time said shipments moved there was no joint rate, and respondent had no rate whatever properly applicable to the service rendered in the transportation of the shipments as above described. There was in effect a rate of 45 cents per ton of 2000 pounds on ice, carloads, applying over the Pennsylvania railroad to Sherman from Mayville, as contained in respondent's freight tariff S. S., P. S. C., 2 N. Y., No. 510, filed with the Commission March 26, 1909, and respondent erroneously applied and exacted from complainants charges on said shipments under authority of said last named tariff as follows: From complainants Elliott & Harter, for three carloads forwarded on August 25, 1909, and one carload on September 3, 1909, of aggregate weight 195,700 pounds, at 45 cents per ton of 2000 pounds, $44.03; from complainant

L. H. Elliott, for one carload forwarded on August 11, 1909, of weight 48,900 pounds, at 45 cents per ton of 2000 pounds, $11. On the dates said shipments moved respondent also had in effect on carload shipments of ice a rate of 7 cents per hundred pounds applying from Summerdale, N. Y., a station south of Mayville, to the private siding of the Mayville and Chautauqua Lake Ice Company on the Jamestown, Chautauqua and Lake Erie railway at Chautauqua, as shown by its freight tariff S. S., P. S. C., 2 N. Y., No. 104, issued in connection with the Jamestown, Chautauqua and Lake Erie Railway Company, filed with the Commission October 12, 1907; and it appears that subsequent to the collection of said charges respondent, under no lawful authority, served on complainants additional bills for the said transportation service rendered by it computed at a rate of 7 cents per hundred pounds contained in its said freight tariff S. S., P. S. C., 2 N. Y., No. 104. This said rate of 7 cents per hundred pounds applied to complainants', Elliott & Harter, shipments imposed an additional charge of $92.96, and applied to complainant's, L. H. Elliott, shipment imposed an additional charge of $23.23, which additional charges are still outstanding. On August 20, 1909, previous to the movement of any of said shipments, respondent filed with the Commission its tariff S. S., P. S. C., 2 N. Y., No. 561, to take effect September 21, 1909, after the movement of said shipments had been completed, and provided therein a rate of $3.50 per car applicable to the switching of carloads of ice from ice houses located on its tracks at Mayville to the Jamestown, Chautauqua and Lake Erie railway, main line and Chautauqua branch, and if said last named tariff had been in effect during the period said shipments moved a rate of $3.50 per car would have been properly applicable to the service rendered by respondent on the shipments as aforesaid. Respondent admits that the said rates of 45 cents per ton of 2000 pounds as applied and collected, and 7 cents per hundred pounds as sought to be collected, were unlawful, unjust, and unreasonable; and respondent further admits that the said rate of $3.50 per car which was made effective September 21, 1909, would be a just and reasonable charge applied to the service rendered by it as herein described. A rate of $3.50 per car applied to complainants', Elliott & Harter, said shipments would result in a charge of $14, and applied to complainant's, L. H. Elliott, said shipment would result in a charge of $3.50. Therefore, upon the papers on file, and including the establishment by respondent of said switching charge of $3.50 per car, its admission that the said charges as applied and collected and as sought to be collected were unlawful, unjust, and unreasonable, and it appearing to the Commission that the relief sought should be granted to complainants, it is

Ordered: That complainants, Elliott & Harter, are entitled to recover as reparation from respondent, The Pennsylvania Railroad Company, the sum of $30.03, being the difference between said amount of $44.03 unlawfully exacted by respondent, and $14, the sum produced by a rate of $3.50 per car applied to said complainants' shipments as aforesaid.

It is further Ordered: That complainant, L. H. Elliott, is entitled to recover as reparation from respondent, The Pennsylvania Railroad Company, the sum of $7.50, being the difference between said amount of $11 unlawfully exacted by respondent, and $3.50, the sum produced by a rate of $3.50 per car applied to said complainant's shipment as aforesaid.

[Case No. 1760]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

TONAWANDA BOARD & PAPER COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority for adjustment of freight charge.

Upon nine carload shipments of sulphite screenings transported during the period from October 12 to November 18, 1909, over the New York Central and Hudson River railroad from Norwood to North Tonawanda within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Tonwanda Board & Paper Company, for the transportation thereof the sum of $798, computed at a rate of 14 cents per hundred pounds upon an aggregate weight of 570,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on said commodity, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6579, filed with the Commission July 29, 1909. Respondent states that said shipments were originally waybilled in error at a rate of 8 cents per hundred pounds, and that transportation charges to the amount of $456 computed at said rate of 8 cents per hundred pounds were collected from complainant upon delivery of the shipments at destination; that additional charge to the amount of $342 is still outstanding. Previous to September 1, 1909, the effective rate on carload shipments of sulphite screenings from Norwood to North Tonawanda was 8 cents per hundred pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6332, filed with the Commission May 25, 1909. Respondent's said freight tariff P. S. C., 2 N. Y., No. 6332, was superseded by its freight tariff P. S. C., 2 N. Y., No. 6598, effective September 1, 1909, filed with the Commission July 30, 1909, and through inadvertence the rate of 8 cents per hundred pounds on carload shipments of sulphite screenings, applying from said point of shipment to destination, was omitted therefrom, and as a result made applicable to carload shipments of sulphite screenings said rate of 14 cents per hundred pounds as contained in respondent's said freight tariff P. S. C., 2 N. Y., No. 6579. Effective November 20, 1909, respondent reëstablished a rate of 8 cents per hundred pounds upon sulphite screenings, carloads, applying from Norwood to North Tonawanda, as shown by its freight tariff P. S. C., 2 N. Y., No. 7042, filed with the Commission October 19, 1909, and this rate is now in effect. Complainant claims, and respondent admits, that the said rate of 14 cents per hundred pounds was excessive, and respondent further admits that the said reëstablished rate of 8 cents per hundred pounds which was made effective November 20, 1909, would be a just and reasonable charge applied to the shipments in question, and which would result in a charge of $456. Upon the papers on file. including respondent's reduction of the rate challenged, its concession that the charge based on said rate of 14 cents per hundred pounds was excessive, and its admission of liability, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, Tonawanda Board & Paper Company, is entitled to have the charge upon the shipments aforesaid adjusted by respondent, The New York Central and Hudson River Railroad Company, upon the basis of said reëstablished rate of 8 cents per hundred pounds which it admits is reasonable instead of the said excessive rate of 14 cents per hundred pounds in effect during the period said shipments moved.

[Case No. 1761]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
John B. Olmsted,
Commissioners.

State Agricultural and Industrial School, Industry, N. Y., complainant, *v.* Erie Railroad Company, respondent.

Authority to refund $52.46.

Upon eighteen carload shipments of ice forwarded during the period from January 31 to February 5, 1910, over the Erie railroad from Lakeville to Industry within this State, respondent, Erie Railroad Company, charged and collected from complainant, State Agricultural and Industrial School, Industry, N. Y., for the transportation thereof the sum of $209.84 computed at a rate of 40 cents per ton of 2000 pounds upon an aggregate weight of 1,049,200 pounds. Such charge was assessed in accordance with effective rate on carload shipments of ice as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1527, filed with the Commission December 17, 1909. Effective from at least September 25, 1907, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 109, filed with the Commission on that date, and until January 17, 1908, there were in effect on carload shipments of ice rates of 25 cents per ton of 2000 pounds in three car lots and over, and 30 cents per ton of 2000 pounds in single car lots, applying from Lakeville to Rochester, and Industry is intermediate thereto. This said last named rate however was increased to 40 cents per ton of 2000 pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 588, effective January 17, 1908, filed with the Commission December 17, 1907. Effective February 7, 1910, in accordance with special permission order of the Commission No. 1380, respondent established a rate of 30 cents per ton of 2000 pounds on ice, carloads, applying from Lakeville to Industry as contained in supplement No. 1 to its said freight tariff P. S. C., 2 N. Y., No. 1527, filed with the Commission February 5, 1910, and this rate is now in effect from said point of shipment to destination, as contained in supplement No. 3 to respondent's said freight tariff P. S. C., 2 N. Y., No. 1527, filed with the Commission April 4, 1910. Complainant claims, and respondent admits, that the said rate of 40 cents per ton of 2000 pounds charged and collected on said shipments was excessive, and respondent further admits that the said reduced rate of 30 cents per ton of 2000 pounds which was made effective from Lakeville to Industry February 7, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $209.84, the amount collected upon said shipments, and $157.38, the sum produced by a rate of 30 cents per ton of 2000 pounds upon an aggregate weight of 1,049,200 pounds, that is to say, $52.46, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, State Agricultural and Industrial School, Industry, N. Y., is entitled to recover from respondent, Erie Railroad Company, the sum of $52.46 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $209.84 for transportation of the shipments aforesaid.

[Case No. 1762]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

BINGHAMTON METAL AND PAPER COMPANY, complainant, *v.* ERIE RAILROAD COMPANY and LEHIGH VALLEY RAILROAD COMPANY, respondents.

Authority to refund $33.28.

Upon three carload shipments of scrap iron forwarded respectively on July 10, November 26, and December 7, 1909, from Binghamton, N. Y., over the Erie railroad, via Owego, N. Y., and the Lehigh Valley railroad to Newark Valley, N. Y., respondents, Erie Railroad Company and Lehigh Valley Railroad Company, charged and collected for the transportation thereof the sum of $114.97 upon an aggregate weight of 152,000 pounds, the effective rate applicable thereto being that of $1.70 per ton of 2240 pounds as contained in Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 1170, issued in connection with Lehigh Valley Railroad Company, filed with the Commission March 20, 1909. It appears that the transportation charges were borne by complainant. During the period said shipments moved there were in effect on carload shipments of scrap iron local rates of 65 cents per ton of 2240 pounds applying from Binghamton to Owego, as contained in Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 1321, filed with the Commission June 25, 1909, and 60 cents per ton of 2240 pounds applying from Owego to Newark Valley as contained in Lehigh Valley Railroad Company freight tariff P. S. C., 2 N. Y., No. 1190, filed with the Commission May 26, 1909, a combination rate of $1.25 per ton of 2240 pounds, but inapplicable to the shipments transported as aforesaid. Effective February 15, 1910, a reduced through rate of $1.20 per ton of 2240 pounds was established on carload shipments of scrap iron applying from Binghamton via Owego to Newark Valley, as shown by Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 1550, issued in connection with Lehigh Valley Railroad Company, filed with the Commission January 14, 1910. Complaint claims and respondents admit that the said rate of $1.70 per ton of 2240 pounds was excessive, and respondents further admit that the said reduced through rate of $1.20 per ton of 2240 pounds which was made effective February 15, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $114.97, the amount collected upon said shipments, and $81.69, the sum produced by a rate of $1.20 per ton of 2240 pounds upon an aggregate weight of 152,500 pounds, that is to say, $33.28, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Binghamton Metal and Paper Company, is entitled to recover from respondents, Erie Railroad Company and Lehigh Valley Railroad Company, the sum of $33.28 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $114.97 for transportation of the shipments aforesaid.

[Case No. 1763]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
John B. Olmsted,
Commissioners.

C. E. Lay, complainant, *v.* The New York Central and Hudson River Railroad Company, respondent.

Authority for adjustment of freight charge.

Upon a shipment made on or about December 31, 1908, of one carload of hay over the New York Central and Hudson River railroad from Kendall to Barnard within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, C. E. Lay, for the transportation thereof the sum of $28, computed at a rate of 14 cents per hundred pounds upon a carload weight of 20,000 pounds. Such charge was made in accordance with effective fifth-class rate on hay, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. Respondent states that said shipment was originally waybilled in error at a rate of 7 cents per hundred pounds, and that the transportation charge to the amount of $14, computed at said rate of 7 cents per hundred pounds, was collected from complainant upon delivery of the shipment at destination; that upon detection of the error corrected bill to the amount of $28 was served upon complainant, and that the additional charge of $14 is now outstanding. On the date said shipment moved respondent had in effect on hay, carloads, a rate of 7 cents per hundred pounds applying from Kendall to Rochester, N. Y., Barnard being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908, but which rate was inapplicable to the shipment transported as aforesaid. Effective April 12, 1909, respondent established a rate of 7 cents per hundred pounds on carload shipments of hay applying from Kendall to Barnard, as shown by supplement No. 3 to its freight tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission March 12, 1909. Complainant claims and respondent admits that the said rate of 14 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 7 cents per hundred pounds which was made effective April 12, 1909, would be a just and reasonable charge applied to the shipment in question, and which would result in a charge of $14. Upon the papers on file, including respondent's reduction of the rate challenged, its concession that the corrected charge as subsequently applied was excessive, and its admission of liability, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, C. E. Lay, is entitled to have the charge upon the shipment aforesaid adjusted by respondent, The New York Central and Hudson River Railroad Company, upon the basis of its said reduced rate of 7 cents per hundred pounds, which it admits is reasonable, instead of the said excessive rate of 14 cents per hundred pounds in effect at the time said shipment moved.

[Case No. 1766]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

RICE & LOCKWOOD LUMBER COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $36.65.

Upon shipments of one carload of lath on November 17, 1909, and one carload of lumber on December 4, 1909, from Tupper Lake Junction, N. Y., over the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), and via Utica, N. Y., and the New York Central and Hudson River railroad to South Utica, N. Y., respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $100.80, computed at a rate of 11 cents per hundred pounds upon an aggregate weight of 91,460 pounds. Such charge was assessed in accordance with effective sixth-class rate on lath and lumber, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6720, issued in connection with the West Shore railroad, filed with the Commission August 31, 1909. It appears that the transportation charges were borne by complainant. During the period said shipments moved there was in effect on carload shipments of lath and lumber a commodity rate of 8 cents per hundred pounds applying from Tupper Lake Junction via Utica to New York Mills, N. Y., South Utica being intermediate thereto, as shown by respondent's freight tariff 6750, issued in connection with the West Shore railroad, filed with the Commission September 2, 1909, but said rate of 8 cents per hundred pounds was inapplicable to the shipments transported as aforesaid. Effective December 16, 1909, a rate of 7 cents per hundred pounds was established on lath and lumber, carloads, applying from said point of shipment to destination as shown by supplement No. 3 to respondent's freight tariff P. S. C., 2 N. Y., No. 6750, issued in connection with the West Shore railroad, filed with the Commission November 13, 1909. Complainant claims and respondent admits that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 7 cents per hundred pounds which was made effective December 16, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $100.80, the amount collected upon said shipments, and $64.15, the sum produced by a rate of 7 cents per hundred pounds upon a weight of 91,640 pounds, that is to say, $36.65, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Rice & Lockwood Lumber Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $36.65 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $100.80 for transportation of the shipments aforesaid.

[Case No. 1767]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
John B. Olmsted,
Commissioners.

O'Reilly Brothers, complainants, *v.* The Pennsylvania Railroad Company, respondent. Authority to refund $11.94.

Upon shipments of two carloads of ice forwarded, respectively, on October 13 and November 6, 1909, over the railroad of respondent from Elmira to Canandaigua within this State, respondent, The Pennsylvania Railroad Company, charged and collected from complainants, O'Reilly Brothers, for the transportation thereof the sum of $43.50, computed at a rate of 75 cents per ton of 2000 pounds upon an aggregate weight of 116,000 pounds. Such charge was assessed in accordance with effective rate on shipments of ice, carloads, minimum weight 58,000 pounds when loaded in cars of 60,000 pounds' capacity or over, as contained in respondent's freight tariff K. K., P. S. C., 2 N. Y., No. 171, filed with the Commission July 27, 1909. The cars containing the shipments were of 60,000 pounds capacity each; the actual aggregate weight carried was 84,150 pounds, but in accordance with the minimum carload weight provision contained in said last mentioned freight tariff the transportation charges were assessed on an aggregate weight of 116,000 pounds. Previous to January 14, 1909, the effective rate on ice, carloads, minimum weight 40,000 pounds, between said points of shipment and destination was 80 cents per ten of 2000 pounds, as contained in respondent's freight tariff K. K., P. S. C., 2 N. Y., No. 124, filed with the Commission August 27, 1908. Effective January 8, 1910, respondent established a rate of 75 cents per ton of 2000 pounds on ice, carloads, minimum weight 40,000 pounds, applying from Elmira to Canandaigua, as shown by its freight tariff K. K., P. S. C., 2 N. Y., No. 179, filed with the Commission December 7, 1909. Complainants claim, and respondent admits, that the said minimum carload weight provision contained in respondent's freight tariff K. K., P. S. C., 2 N. Y., No. 171, and in accordance with which the original charge was applied, was unjust and unreasonable, and respondent further admits that a minimum carload weight of 40,000 pounds which was reëstablished on carload shipments of ice from said point of shipment to destination, effective January 8, 1910, would be a just and reasonable regulation applied to the shipments in question and which would result in a charge of $31.56. It appearing to the Commission that reparation to the extent of the difference between $43.50, the amount collected upon said shipments, and $31.56, the sum produced by a rate of 75 cents per ton of 2000 pounds upon an aggregate actual weight of 84,150 pounds, and in accordance with minimum carload weight provision contained in respondent's said freight tariff K. K., P. S. C., 2 N. Y., No. 179, that is to say, $11.94, should be allowed to complainants upon said shipments, it is

Ordered: That the complainants, O'Reilly Brothers, are entitled to recover from respondent, The Pennsylvania Railroad Company, the sum of $11.94 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $43.50 for transportation of the shipments aforesaid.

[Case No. 1768]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

NIAGARA COOPERAGE COMPANY, complainant, *v.* ERIE RAILROAD COMPANY, respondent. — Authority to refund $25.36.

Upon shipments of two carloads of wood bolts forwarded respectively on September 16 and 18, 1909, over the Erie railroad from Collins to Lockport within this State, respondent, Erie Railroad Company, charged and collected from complainant, Niagara Cooperage Company, for the transportation thereof the sum of $101.44, computed at a rate of 8 cents per hundred pounds upon an aggregate weight of 126,800 pounds. Such charge was assessed in accordance with effective sixth-class rate on wood bolts, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. A-38, filed with the Commission September 26, 1907. During the period said shipments moved respondent had in effect on carload shipments of wood bolts a rate of 6 cents per hundred pounds applying from Gowanda, N. Y., to Lockport, Collins being intermediate thereto, as contained in its freight tariff P. S. C., 2 N. Y., No. A-188, filed with the Commission December 4, 1908, but said rate was inapplicable to the shipments transported as aforesaid. Effective April 9, 1910, respondent established a rate of 6 cents per hundred pounds on wood bolts, carloads, applying from Collins to Lockport, as shown by supplement No. 3 to its freight tariff P. S. C., 2 N. Y., No. A-247, filed with the Commission March 9, 1910. Complainant claims and respondent admits that the said rate of 8 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 6 cents per hundred pounds which was made effective April 9, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $101.44, the amount collected upon said shipments, and $76.08, the sum produced by a rate of 6 cents per hundred pounds upon a weight of 126,800 pounds, that is to say, $25.36, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Niagara Cooperage Company, is entitled to recover from respondent, Erie Railroad Company, the sum of $25.36 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $101.44 for transportation of the shipments aforesaid.

[Case No. 1776]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

PITTSBURG-EASTERN COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $106.40.

Upon two carload shipments of cement forwarded on September 7, 1908, from Pattersonville, N. Y., over the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) and via Schenectady, N. Y., and the New York Central and Hudson River railroad to Hoffmans, N. Y., respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Pittsburg-Eastern Company, for the transportation thereof the sum of $159.60, computed at a rate of 10½ cents per hundred pounds upon an aggregate weight of 152,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of cement as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 204, issued in connection with The New York Central and Hudson River Railroad Company, filed with the Commission September 24, 1907. At the time said shipments moved there was in effect on cement, carloads, rates of 3½ cents per hundred pounds applying from Pattersonville to Schenectady, as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 3, issued in connection with The New York Central and Hudson River Railroad Company, filed with the Commission August 20, 1907, and 3½ cents per hundred pounds applying from Schenectady to Hoffmans, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, a combination rate of 7 cents per hundred pounds, but inapplicable to the shipments transported as aforesaid. Effective May 9, 1910, a through rate of 3½ cents per hundred pounds was established on carload shipments of cement, applying from Pattersonville to Hoffmans, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1994, issued in connection with The New York Central and Hudson River Railroad Company, filed with the Commission April 7, 1910. Complainant claims and respondent admits that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said reduced through rate of 3½ cents per hundred pounds which was made effective May 9, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $159.60, the amount collected upon said shipments, and $53.20, the sum produced by a rate of 3½ cents per hundred pounds upon a weight of 152,000 pounds, that is to say, $106.40, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Pittsburg-Eastern Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $106.40 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $159.60 for transportation of the shipments aforesaid.

[Case No. 1785]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

THE CARTHAGE TISSUE PAPER MILLS, complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $143.15.

Upon shipments of twenty-eight carloads of wood pulp forwarded during the period from June 29 to August 27, 1909, over the New York Central and Hudson River railroad from Kalurah to Carthage within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainants, The Carthage Tissue Paper Mills, for the transportation thereof the sum of $429.45, computed at the rate of 3 cents per hundred pounds upon an aggregate weight of 1,431,500 pounds. Such charge was assessed in accordance with effective rate on carload shipments of wood pulp as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6332, filed with the Commission May 25, 1909. Previous to June 26, 1909, respondent had in effect on wood pulp, carloads, a rate of 2 cents per hundred pounds applying from said point of shipment to destination, as contained in supplement No. 1 to its freight tariff P. S. C., 2 N. Y., No. 4932, filed with the Commission November 21, 1908. Respondent states that in the reissuance of its freight tariff P. S. C., 2 N. Y., No. 4932, through inadvertence said rate of 3 cents per hundred pounds was established on carload shipments of wood pulp from Kalurah to Carthage as referred to herein, and that this error was corrected by the issuance of its freight tariff P. S. C., 2 N. Y., No. 6704, in accordance with special permission order of the Commission No. 1147, effective September 1, 1909, filed with the Commission August 28, 1909, which said last named tariff reëstablished a rate of 2 cents per hundred pounds upon wood pulp, carloads, from Kalurah to Carthage, and said rate of 2 cents per hundred pounds is now effective as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 7042, filed with the Commission on October 19, 1909. Complainants claim and respondent admits that the said rate of 3 cents per hundred pounds was excessive, and respondent further admits that the said rate of 2 cents per hundred pounds which was reëstablished and made effective September 1, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $429.45, the amount collected upon said shipments, and $286.30, the amount produced by a rate of 2 cents per hundred pounds upon an aggregate weight of 1,431,500 pounds, that is to say, $143.15, should be allowed to complainants upon said shipments, it is

Ordered: That complainants, The Carthage Tissue Paper Mills, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $143.15 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $429.45 for transportation of the shipments aforesaid.

[Case No. 1786]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
John B. Olmsted,
Commissioners.

W. C. Fargo, complainant, *v.* The New York Central and Hudson River Railroad Company, respondent. — Authority to refund $35.25.

Upon a shipment of one carload of cord wood, of 24 cords, transported on or about January 10, 1910, over the New York Central and Hudson River railroad from Onchiota to New York city within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, W. C. Fargo, for the transportation thereof the sum of $101.25 computed at a rate of 15 cents per hundred pounds upon a carload weight of 67,500 pounds. Such charge was assessed in accordance with effective sixth-class rate on said commodity, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6719, filed with the Commission August 31, 1909. On the date said shipment moved respondent had in effect on cord wood, carloads, a rate of $2.50 per cord, applying from its Adirondack division points, Tupper Lake Junction and stations south thereof, to New York city, as contained in its freight tariff P. S. C., 2 N. Y., No. 5474, filed with the Commission March 30, 1909. Onchiota is located on respondent's Adirondack division but 29 miles further from New York city than Tupper Lake Junction. Respondent states that if previous to the movement of said shipment request had been made therefor a rate of $2.75 per cord would have been established on cord wood, carloads, applying from Onchiota to New York city. Effective March 30, 1910, respondent established a rate of $2.75 per cord on carload shipments of cord wood applying from Onchiota to New York city, as shown by its freight tariff P. S. C., 2 N. Y., No. 7476, filed with the Commission February 26, 1910. Complainant claims and respondent admits that the said rate of 15 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of $2.75 per cord which was made effective March 30, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $101.25, the amount collected upon said shipment, and $66, the sum produced by a rate of $2.75 per cord upon a carload shipment of 24 cords, that is to say, $35.25, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, W. C. Fargo, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $35.25 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $101.25 for transportation of the shipment aforesaid.

[Case No. 1787]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

ROYAL-GEM MILLS COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $107.91.

During the period from September 22 to December 26, 1909, upon less than carload shipments of knit goods and cotton yarn transported between Herkimer and St. Johnsville within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Royal-Gem Mills Company, for the transportation thereof the sum of $371.55, computed at the effective rates of 13 cents per hundred pounds on knit goods and 9 cents per hundred pounds on cotton yarn contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, as follows: knit goods, 227,575 pounds, at 13 cents per hundred pounds, $295.93; cotton yarn, 84,022 pounds, at 9 cents per hundred pounds, $75.62: total, $371.55. Previous to September 22, 1909, respondent had in effect on less than carload shipment of knit goods and cotton yarn a rate of 7 cents per hundred pounds applying between Herkimer and St. Johnsville, as contained in its freight tariff P. S. C., 2 N. Y., No. 5527, filed with the Commission April 10, 1909. The exaction of said rates of 13 cents per hundred pounds on knit goods and 9 cents per hundred pounds on cotton yarn was the subject of formal complaint (Case No. 1285) by complainant herein before the Commission, but the matter was adjusted through correspondence to the satisfaction of complainant by the establishment by respondent of rates of 9 cents per hundred pounds on knit goods and 7 cents per hundred pounds on cotton yarn, applying between Herkimer and St. Johnsville, effective December 27, 1909, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 7268. issued in accordance with special permission order of the Commission No. 1342, filed with the Commission December 23, 1909. Complainant claims and respondent admits that the said rates of 13 cents per hundred pounds on knit goods and 9 cents per hundred pounds on cotton yarn were excessive, and respondent further admits that the said reduced rates of 9 cents per hundred pounds on knit goods and 7 cents per hundred pounds on cotton yarn woud be just and reasonable charges applied to the shipments in question and which would result as follows: knit goods, 227,575 pounds, at 9 cents per hundred pounds. $204.82; cotton yarn, 84,022 pounds, at 7 cents per hundred pounds, $58.82: total. $263.64. It appearing to the Commission that reparation to the extent of the difference between $371.55, the amount collected upon said shipments. and $263.64, the sum produced by said reduced rates as herein described, that is to say, $107.91, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Royal-Gem Mills Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $107.91 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $371.55 for transportation of the shipments aforesaid.

[Case No. 1788]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

THE BUFFALO UNION FURNACE COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $34.80.

During the months of February, March, and November, 1908, and May, August, and September, 1909, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the carriage of 12 carloads of pig iron, of aggregate weight 288 gross tons, transported from its connection with the tracks of The Lake Shore and Michigan Southern Railway Company at East Buffalo to Batavia within this State, the sum of $214.80, which included a transportation charge of $14.40 for each car, and a switching charge of $3.50 per car assessed by The Lake Shore and Michigan Southern Railway Company for movement of the traffic from complainant's plant to respondent's railroad. The effective rate charged by respondent for the transportation from its connection with the Lake Shore and Michigan Southern railway to Batavia was that of 60 cents per gross ton as contained in its freight tariffs P. S. C., 2 N. Y., No. 50, filed with the Commission September 4, 1907, and P. S. C., 2 N. Y., No. 3570, filed with the Commission March 18, 1908; and the authority for the assessment of said switching charge is contained in The Lake Shore and Michigan Southern Railway Company freight tariffs P. S. C., 2 N. Y., No. 62, filed with the Commission September 28, 1907, P. S. C., 2 N. Y., No. 117, filed with the Commission March 13, 1908, and P. S. C., 2 N. Y., No. 200, filed with the Commission June 8, 1909. It appears that the charges exacted by respondent were borne by complainant. During the periods said shipments moved respondent had in effect tariffs which provided for the absorption of connecting lines' switching charges at Buffalo, N. Y., in the amount of $3.60 per car when the minimum revenue amounted to $15 per car on freight in lots of 10,000 pounds or more, as contained in its tariffs P. S. C., 2 N. Y., No. 2703, filed with the Commission October 29, 1907, and P. S. C., 2 N. Y., No. 5027, filed with the Commission November 13, 1908, but revenue per car received by respondent on said shipments precluded the application of the switching charge absorption as provided in said last named tariffs. Effective December 27, 1909, respondent, in its tariff P. S. C., 2 N. Y., No. 7122, filed with the Commission November 26, 1909, established new regulations governing absorption of switching charges at junction points, which provided that thereafter respondent would absorb the amount by which its freight revenue plus the switching charge of connecting line exceeds the minimum freight revenue of $15 per car as specified in said tariff. Complainant claims and respondent admits that the failure by respondent to absorb said switching charge of $3.50 per car assessed in accordance with The Lake Shore and Michigan Southern Railway Company freight tariffs herein described was unreasonable and unjust, and respondent further admits that the absorption of charge for switching service as prescribed in its said switching absorption tariff P. S. C., 2 N. Y., No. 7122, as herein described would be just and reasonable as applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $214.80, the amount collected upon said shipments for switching service and transportation, and $180, the sum produced by the application of the regulation governing absorption of switching charges as prescribed in

respondent's said switching absorption tariff P. S. C., 2 N. Y., No. 7122, that is to say, $34.80, should be allowed to complainant, it is

Ordered: That complainant, The Buffalo Union Furnace Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $34.80 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $214.80 for switching service and transportation aforesaid.

[Case No. 1789]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

B. H. FRY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $10.

Upon a shipment of one carload of scrap iron forwarded on December 17, 1909, over the New York Central and Hudson River railroad from Bedford to Amenia within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, B. H. Fry, for the transportation thereof the sum of $28, computed at a rate of 7 cents per 112 pounds upon a carload weight of 44,800 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of scrap iron as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 5301, filed with the Commission February 6, 1909. On the date said shipment moved respondent had in effect on scrap iron, carloads, a rate of 90 cents per ton of 2240 pounds applying from Mt. Kisco, N. Y., to Amenia, Bedford being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 6390, filed with the Commission June 11, 1909, but said last named rate was inapplicable to the shipment transported as aforesaid. Effective February 10, 1910, respondent established a rate of 90 cents per ton of 2240 pounds on scrap iron, carloads, applying from Bedford to Amenia, as shown by its freight tariff P. S. C., 2 N. Y., No. 7344, filed with the Commission January 10, 1910. Complainant claims and respondent admits that the said rate of 7 cents per 112 pounds was excessive, and respondent further admits that the said reduced rate of 90 cents per ton of 2240 pounds made effective February 10, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $28, the amount collected upon said shipment, and $18, the sum produced by a rate of 90 cents per ton of 2240 pounds upon a carload weight of 44,800 pounds, that is to say, $10, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, B. H. Fry, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $10 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $28 for transportation of the shipment aforesaid.

[Case No. 1792]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

M. A. HANNA & CO., complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $2.57.

On or about December 12, 1909, respondent, The New York Central and Hudson River Railroad Company, transported one carload of pig iron, of weight 42,560 pounds, from its track connection with the Lake Shore and Michigan Southern railway at Buffalo to East Rochester within this State, and exacted therefor an aggregate charge of $17.57, which included transportation over respondent's line computed at a rate of 75 cents per ton of 2268 pounds, assessed in accordance with its freight tariff P. S. C., 2 N. Y., No. 6743, filed with the Commission August 31, 1909, amounting to $14.07, and a switching charge of $3.50 assessed by The Lake Shore and Michigan Southern Railway Company in accordance with its switching tariff P. S. C., 2 N. Y., No. 200, filed with the Commission June 8, 1909, for switching service rendered by it in movement of the shipment from the point of origin, the Buffalo Union Furnace Company at Buffalo, to respondent's line. It appears that said charge was borne by complainants. At the time said shipment moved respondent had in effect its tariff of switching absorption charges P. S. C., 2 N. Y., No. 5027, filed with the Commission November 13, 1908, which provided that at Buffalo the switching charges of connecting lines to a maximum amount of $4.60 would be absorbed by respondent upon carload freight, provided the transportation revenue derived therefrom was not less than $15. Effective December 27, 1909, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 7122, filed with the Commission November 26, 1909, the absorption of connecting lines, switching charge at Buffalo as applied to switching service as aforesaid was changed to provide that when respondent's freight revenue is less than $15 per car and the weight of the shipment equals or exceeds 10,000 pounds the amount of switching that will be absorbed will be the amount by which the freight revenue plus the switching charge exceeds the minimum freight revenue of $15 per car. Complainants claim and respondent admits that the failure by respondent to absorb at least a part of said switching charge of $3.50 was unjust and unreasonable, and respondent further admits that the absorption of the charge for switching service as prescribed in its said freight tariff P. S. C., 2 N. Y., No. 7122, would be just and reasonable as applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $17.57, the aggregate amount collected upon said shipment for transportation and switching service as aforesaid, and $15, the sum produced by the application of the regulation governing absorption of switching charges as prescribed in respondent's said freight tariff P. S. C., 2 N. Y., No. 7122, that is to say, $2.57, should be allowed to complainants, it is

Ordered: That complainants, M. A. Hanna & Co., are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $2.57 as reparation for and on account of exaction by respondent of said unjust and unreasonable aggregate charge of $17.57 for transportation and switching service aforesaid.

[Case No. 1793]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

CIRCLE BENDING CO., complainant, *v.* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY and ERIE RAILROAD COMPANY, respondents.

Authority to refund $25.08.

Upon a shipment of one carload of logs, forwarded on March 21, 1910, from Fair Oaks, N. Y., over the New York, Ontario and Western railway, and via Middletown, N. Y., and the Erie railroad to Pine Bush, N. Y., respondents, New York, Ontario and Western Railway Company and Erie Railroad Company, charged and collected for the transportation thereof the sum of $68.97, computed at a rate of 11 cents per hundred pounds upon a carload weight of 62,700 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of logs, as contained in New York, Ontario and Western Railway Company freight tariff P. S. C., 2 N. Y., No. 557, issued in connection with the Erie Railroad Company, filed with the Commission September 25, 1907. It appears that the transportation charge was borne by complainant. On the date said shipment moved there were in effect on logs, carloads, local rates of 60 cents per ton of 2000 pounds applying from Fair Oaks to Middletown, as contained in New York, Ontario and Western Railway Company freight tariff P. S. C., 2 N. Y., No. 1260, filed with the Commission December 23, 1908, and 4 cents per hundred pounds applying from Middletown to Pine Bush, as contained in Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 729, filed with the Commission September 27, 1907, a combination rate equal to $1.40 per ton of 2000 pounds, but inapplicable to the shipment transported as aforesaid. Effective July 25, 1910, a joint through rate of $1.40 per ton of 2000 pounds was established on logs applying from Fair Oaks to Pine Bush, as shown by New York, Ontario and Western Railway Company freight tariff P. S. C., 2 N. Y., No. 1638, issued in connection with the Erie Railroad Company, filed with the Commission June 22, 1910. Complainant claims and respondents admit that the said rate of 11 cents per hundred pounds was excessive, and respondents further admit that the said reduced joint through rate of $1.40 per ton of 2000 pounds which was made effective July 25, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $68.97, the amount collected upon said shipment, and $43.89, the sum produced by a rate of $1.40 per ton of 2000 pounds upon a carload weight of 62,700 pounds, that is to say, $25.08, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, Circle Bending Co., is entitled to recover from respondents, New York, Ontario and Western Railway Company and Erie Railroad Company, the sum of $25.08 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $68.97 for transportation of the shipment aforesaid.

[Case No. 1794]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
John B. Olmsted,
Commissioners.

John R. Carpenter Company, complainant, *v.* The Long Island Railroad Company, respondent.

Authority for adjustment of freight charge.

Upon a shipment of two pieces of lumber, each of size 24 feet by 2 inches by 8 inches, of aggregate weight 400 pounds, forwarded on or about August 13, 1909, over the Long Island railroad from Jamaica to Amagansett within this State, respondent, The Long Island Railroad Company, charged complainant, John R. Carpenter Company, for the transportation thereof the sum of $11.20, computed at a rate of 28 cents per hundred pounds at minimum weight of 4000 pounds, and it appears that the transportation charge is still outstanding. Such charge was assessed in accordance with effective first-class rate contained in respondent's freight tariff P. S. C., 2 N. Y., No. 110, filed with the Commission October 31, 1907, and in compliance with rule 7-C of the official classification effective on said date which provided as follows: "Unless otherwise specified in the classification, articles too long to be loaded in a standard 36-ft. box car through the side door thereof, shall be charged at actual weight and class rate for each shipment for one consignee; provided that in no case shall the charge for the same be less than for 4000 lbs., at first-class rates." Effective February 1, 1910, in supplement No. 3 to the official classification filed with the Commission December 15, 1909, rule 7-C thereof was amended to read as follows: "Unless otherwise specified in the classification, when articles are loaded on flat or gondola cars on account of their being too long to be loaded in a box car through the side door thereof, they shall be charged at actual weight and class rate for each shipment for one consignee; provided that in no case shall the charge for the same be less than for 4000 pounds at first-class rate." It appears that the shipment in question was of value $1.92, and was loaded in a box car through an end door. If rule 7-C of the official classification as amended in said supplement No. 3 had been effective at the time said shipment moved, fourth-class rate of 16 cents per hundred pounds applying upon less than carload shipments of lumber when 13-16 of an inch in thickness or over and at actual weight would have been properly applicable to the shipment transported as aforesaid. Complainant claims and respondent admits that the said rate of 28 cents per hundred pounds at a minimum weight of 4000 pounds as applied to said shipment was excessive, and respondent further admits that a rate of 16 cents per hundred pounds at actual weight which was made effective February 1, 1910, would be just and reasonable applied to the shipment in question and which would result in a charge of 64 cents. Therefore, upon the papers on file, including amendments to rule 7-C of the official classification as herein described, respondent's concession that the transportation charge as sought to be applied and collected is excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, John R. Carpenter Company, is entitled to have the charge on said shipment adjusted by respondent, The Long Island Railroad Company, upon the basis of said fourth-class rate of 16 cents per hundred pounds upon actual weight of 400 pounds and in compliance with rule 7-C of the official classification as contained in said supplement No. 3 thereof which respondent admits would be just and reasonable and which will result in a charge of 64 cents instead of on a basis of said first-class rate of 28 cents per hundred pounds upon a minimum weight of 4000 pounds sought to be applied and collected as herein described.

[Case No. 1795]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

FORT STANWIX CANNING COMPANY, complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, respondent.

Authority for adjustment of freight charges.

Upon shipments of eight carloads of apples and pears during the period from September 10 to November 13, 1909, over the Delaware, Lackawanna and Western railroad from Oswego to Fulton within this State, respondent, The Delaware, Lackawanna and Western Railroad Company, charged and collected from complainant, Fort Stanwix Canning Company, for the transportation thereof the sum of $93.36, computed at a rate of 4 cents per hundred pounds upon an aggregate weight of 233,400 pounds. Such charges were erroneously assessed under authority of the official classification which contains a rating of fifth-class applying on apples and pears in carloads, and in connection with respondent's freight tariff of local class rates P. S. C., 2 N. Y., No. 1, filed with the Commission September 20, 1907, which contained a fifth-class rate of 4 cents per hundred pounds. During the same period respondent had in effect a commodity rate of 5 cents per hundred pounds on shipments of green fruit and vegetables applying from Oswego to Fulton, as contained in its freight tariff P. S. C., 2 N. Y., No. 355, filed with the Commission October 28, 1907, and said last named rate was properly applicable upon the shipments in question. It appears that subsequent to the collection of transportation charges as above described, respondent served complainant with corrected bills based on a rate of 5 cents per hundred pounds, and that additional charges to the amount of $23.34 are still outstanding. Effective March 3, 1910, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 982, filed with the Commission January 31, 1910, said commodity rate of 5 cents per hundred pounds, as applied to shipments of said commodity from Oswego to Fulton was canceled, and in consequence thereof fifth-class rate of 4 cents per hundred pounds contained in respondent's freight tariff of local class rates P. S. C., 2 N. Y., No. 940, filed with the Commission December 15, 1909, became effective on carload shipments of apples and pears from Oswego to Fulton and is at present in force. Complainant claims and respondent admits that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said rate of 4 cents per hundred pounds which was made effective March 3, 1910, would be just and reasonable as applied to the shipments in question, and which would result in a charge of $93.36. Therefore, upon the papers on file, including reduction of the rate challenged, respondent's concession that the transportation charges as sought to be applied were excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, Fort Stanwix Canning Company, is entitled to have the charges on said shipments adjusted by respondent, The Delaware, Lackawanna and Western Railroad Company, upon the basis of said reduced rate of 4 cents per hundred pounds, in accordance with respondent's said freight tariff P. S. C., 2 N. Y., No. 940, which respondent admits would be just and reasonable, and which will result in a charge of $93.36 instead of on the basis of said excessive rate of 5 cents per hundred pounds in effect during the period said shipments moved.

[Case No. 1796]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
John B. Olmsted,
Commissioners.

Niagara Gypsum Company, complainant, *v.* The New York Central and Hudson River Railroad Company and The Delaware, Lackawanna and Western Railroad Company, respondents.

Authority to refund $8.

Upon a shipment of one carload of plaster on or about May 11, 1909, from Oakfield, N. Y., over the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) and via Syracuse, N. Y., and the Delaware, Lackawanna and Western railroad to Homer, N. Y., respondents, The New York Central and Hudson River Railroad Company and The Delaware, Lackawanna and Western Railroad Company, charged and collected for the transportation thereof the sum of $38, computed at a rate of 9½ cents per hundred pounds upon a carload weight of 40,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity, as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 669, issued in connection with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission November 8, 1907. It appears that the transportation charges were borne by complainant. At the time said shipment moved there was in effect on carload shipments of plaster a rate of $1.50 per ton of 2000 pounds applying from Oakfield via Syracuse to Cortland, N. Y., Homer being intermediate thereto, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1076, issued in connection with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission July 19, 1908, but said last named rate was inapplicable to the shipment transported as aforesaid. Effective December 18, 1909, respondents established a joint through rate of $1.50 per ton of 2000 pounds on plaster, carloads, applying from Oakfield via Syracuse to Homer, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1854, issued in connection with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission November 16, 1909. Complainant claims, and respondents admit, that the said rate of 9½ cents per hundred pounds was excessive, and respondents further admit that the said reduced joint through rate of $1.50 per ton of 2000 pounds which was made effective December 18, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $38, the amount collected upon said shipment, and $30, the sum produced by a rate of $1.50 per ton of 2000 pounds upon a carload weight of 40,000 pounds, that is to say, $8, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, Niagara Gypsum Company, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and The Delaware, Lackawanna and Western Railroad Company, the sum of $8 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $38 for transportation of the shipment aforesaid.

[Case No. 1797]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

NORTHERN IRON COMPANY, complainant, *v.* NATIONAL EXPRESS COMPANY, respondent. — Authority to refund $1.20.

Upon shipment of three pieces of rope on or about January 1, 1910, from Newburgh to Port Henry within this State, respondent, National Express Company, charged and collected from complainant, Northern Iron Company, for the transportation thereof the sum of $9.60, computed at a rate of $1.60 per hundred pounds upon a weight of 600 pounds. Such charge was assessed in accordance with effective merchandise rate on said commodity as contained in respondent's tariff P. S. C., 2 N. Y., No. A-1-526, filed with the Commission October 31, 1907. On the date said shipment moved respondent had in effect on said commodity a merchandise rate of $1.40 per hundred pounds applying from New York city to Port Henry, Newburgh being intermediate thereto, as contained in its tariff P. S. C., 2 N. Y., No. A-1-536, filed with the Commission October 31, 1907. Effective April 6, 1910, respondent established a merchandise rate of $1.40 per hundred pounds applying from Newburgh to Port Henry, as shown by supplement No. 10 to its tariff P. S. C., 2 N. Y., No. A-1-526, and this rate is now applicable to shipments of said commodity from said point of shipment to destination. Complainant claims and respondent admits that the said rate of $1.60 per hundred pounds was excessive, and respondent further admits that the said reduced rate of $1.40 per hundred pounds which was made effective April 6, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $9.60, the amount collected upon said shipment, and $8.40, the sum produced by a rate of $1.40 per hundred pounds upon a weight of 600 pounds, that is to say, $1.20, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, Northern Iron Company, is entitled to recover from respondent, National Express Company, the sum of $1.20 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $9.60 for transportation of the shipment aforesaid.

[Case No. 1798]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

THE A. SHERMAN LUMBER COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $42.

Upon a shipment of one carload of horses on December 28, 1909, over the New York Central and Hudson River railroad from Holland Patent to Tupper Lake Junction within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, The A. Sherman Lumber Company, for the transportation thereof the sum of

$90, computed at a rate of 45 cents per hundred pounds upon a carload weight of 20,000 pounds. Such charge was assessed in accordance with effective second-class rate on horses, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 5751, filed with the Commission April 28, 1909. On the date said shipment moved respondent had in effect a rate of 24 cents per hundred pounds on horses, carloads, applying from Utica, N. Y., to Tupper Lake Junction, Holland Patent being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 6721, filed with the Commission August 31, 1909, but said last named rate was inapplicable to the shipment transported as aforesaid. Effective April 1, 1910, respondent established a rate of 24 cents per hundred pounds on carload shipments of horses, applying from Holland Patent to Tupper Lake Junction, as shown by its freight tariff P. S. C., 2 N. Y., No. 7475, filed with the Commission March 1, 1910. Complainant claims and respondent admits that the said rate of 45 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 24 cents per hundred pounds which was made effective April 1, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $90, the amount collected upon said shipment, and $48, the sum produced by a rate of 24 cents per hundred pounds upon a carload weight of 20,000 pounds, that is to say, $42, should be allowed to complainant upon said shipment, it is

Ordered: That complainant, The A. Sherman Lumber Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $42 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $90 for transportation of the shipment aforesaid.

[Case No. 1865]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

LONG ISLAND POTATO EXCHANGE, complainant, *v.* THE LONG ISLAND RAILROAD COMPANY, respondent.

Authority to refund $40.40.

On April 2, 1910, respondent, The Long Island Railroad Company, transported two carloads of nitrate of soda over its railroad from Long Island City and Blissville to Riverhead and Southampton within this State, and charged and collected from complainant, Long Island Potato Exchange, for the transportation thereof the aggregate sum of $102, as follows: From Long Island City to Riverhead one carload, of weight 30,000 pounds, at 11 cents per hundred pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 232, filed with the Commission April 3, 1909, $39.60; from Blissville to Southampton one carload, of weight 52,000 pounds, at 12 cents per hundred pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 258, filed with the Commission October 28, 1909, $62.40: total, $102. On the date said shipments moved respondent had in effect on fertilizer, carloads, including mixed shipments of fertilizer and nitrate of soda when nitrate of soda did not exceed 20 per cent of the total shipment, a rate of $1.40 per ton of 2000 pounds applying from Long Island City and Blissville to Riverhead and Southampton, as contained in its freight tariff P. S. C., 2 N. Y., No. 234, filed with the Commission May 22, 1909; and effective

May 31, 1910, as shown by supplement No. 5 to its freight tariff P. S. C., 2 N. Y., No. 234, filed with the Commission April 29, 1910, respondent established a rate of $1.40 per ton of 2000 pounds on carload shipments of nitrate of soda applying from Long Island City and Blissville to Riverhead and Southampton, and this rate is now in effect. Complainant claims and respondent admits that the said rates of 11 cents and 12 cents per hundred pounds applied and collected as aforesaid were excessive, and respondent further admits that the said rate of $1.40 per ton of 2000 pounds which was made effective May 31, 1910, would be a just and reasonable charge applied to the shipments in question, and which applied to the aggregate weight thereof, 88,000 pounds, would amount to $61.60. It appearing to the Commission that reparation to the extent of the difference between $102, the aggregate amount collected upon said shipments, and $61.60, the sum produced by a rate of $1.40 per ton of 2000 pounds upon an aggregate weight of 88,000 pounds, that is to say, $40.40, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Long Island Potato Exchange, is entitled to recover from respondent, The Long Island Railroad Company, the sum of $40.40 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $102 for transportation of the shipments aforesaid.

[Case No. 1866]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

H. R. TALMAGE, complainant, *v.* THE LONG ISLAND RAILROAD COMPANY, respondent. — Authority to refund $78.05.

On February 11 and March 30, 1910, respondent, The Long Island Railroad Company, transported three carloads of nitrate of soda over its railroad from Long Island City and Blissville docks to Riverhead and Aquebogue within this State, and charged and collected from complainant, H. R. Talmage, for the transportation thereof the aggregate sum of $205.24, as follows: on February 11, 1910, from Blissville docks to Riverhead, one carload, of weight 42,000 pounds, at 11 cents per hundred pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 258, filed with the Commission October 28, 1909, $46.20; on February 11, 1910, from Long Island City to Aquebogue, one carload, of weight 53,700 pounds, at 12 cents per hundred pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 232, filed with the Commission April 3, 1909, $64.44; on March 30, 1910, from Long Island City to Riverhead, one carload, of weight 86,000 pounds, at 11 cents per hundred pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 232, filed with the Commission April 3, 1909, $94.60: total, $205.24. On the dates said shipments moved respondent had in effect on fertilizer, carloads, including mixed shipments of fertilizer and nitrate of soda when nitrate of soda did not exceed 20 per cent of the total shipment, a rate of $1.40 per ton of 2000 pounds applying from Long Island City and Blissville docks to Riverhead and Aquebogue, as contained in its freight tariff P. S. C., 2 N. Y., No. 234, filed with the Commission May 22, 1909; and effective May 31, 1910, as shown by supplement No. 5 to its freight tariff P. S. C., 2 N. Y., No. 234, filed with the Commission April 29, 1910, respondent established a rate of $1.40 per ton of 2000 pounds on carload shipments of nitrate of soda applying from Long

Island City and Blissville docks to Riverhead and Aquebogue, and this rate is now in effect. Complainant claims and respondent admits that the said rates of 11 cents and 12 cents per hundred pounds applied and collected as aforesaid were excessive, and respondent further admits that the said rate of $1.40 per ton of 2000 pounds which was made effective May 31, 1910, would be a just and reasonable charge applied to the shipments in question, and which applied to the aggregate weight thereof, 181,700 pounds, would amount to $127.19. It appearing to the Commission that reparation to the extent of the difference between $205.24, the aggregate amount collected upon said shipments, and $127.19, the sum produced by a rate of $1.40 per ton of 2000 pounds on an aggregate weight of 181,700 pounds, that is to say, $78.05, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, H. R. Talmage, is entitled to recover from respondent, The Long Island Railroad Company, the sum of $78.05 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $205.24 for transportation of the shipments aforesaid.

[Case No. 1867]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

Vacuum Oil Company, complainant, *v.* The Pennsylvania Railroad Company, respondent. — Authority to refund $47.46.

Upon shipments of three carloads of refined oil in tank cars, forwarded respectively on November 8, 29, and December 22, 1909, over the Pennsylvania railroad from Olean to Arcade within this State, respondent, The Pennsylvania Railroad Company, charged and collected from complainant, Vacuum Oil Company, for the transportation thereof the sum of $126.57, computed at a rate of 8 cents per hundred pounds upon an aggregate weight of 158,214 pounds. Such charge was assessed in accordance with effective fifth-class rate on carload shipments of said commodity as contained in respondent's freight tariff SS., P. S. C., 2 N. Y., No. 469, filed with the Commission November 27, 1908. During the period said shipments moved respondent had in effect on said commodity, carloads, in tank cars, a rate of 5 cents per hundred pounds applying from Olean to East Aurora, N. Y., Arcade being intermediate thereto, as shown by its freight tariff SS., P. S. C., 2 N. Y., No. 569, filed with the Commission September 13, 1909, but said last named rate was inapplicable to the shipments transported as aforesaid. Effective February 1, 1910, respondent established a rate of 5 cents per hundred pounds on said commodity, carloads, applying from Olean to Arcade, as shown by its freight tariff SS., P. S. C., 2 N. Y., No. 601, filed with the Commission December 29, 1909, and this rate is now in effect. Complainant claims and respondent admits that the said rate of 8 cents per hundred pounds was excessive, and respondent further admits that the reduced rate of 5 cents per hundred pounds which was made effective February 1, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $126.57, the amount collected upon said shipments, and $79.11, the sum produced by a rate of 5 cents per hundred pounds upon an aggregate weight of 158,214 pounds, that is to say, $47.46, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Vacuum Oil Company, is entitled to recover from respondent, The Pennsylvania Railroad Company, the sum of $47.46 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $126.57 for transportation of the shipments aforesaid.

[Case No. 1871]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

ROME EXCELSIOR WORKS, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $31.22.

Upon shipments of four carloads of excelsior wood forwarded respectively on November 13, 18, 24, and December 7, 1909, over the New York Central and Hudson River railroad from Alder Creek to Rome within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Rome Excelsior Works, for the transportation thereof the sum of $135.27, computed at a rate of 6½ cents per hundred pounds upon an aggregate weight of 208,100 pounds. Such charge was assessed in accordance with effective sixth-class rate on said commodity, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6581, filed with the Commission July 29, 1909. During the period said shipments moved respondent had in effect on carload shipments of excelsior wood a rate of 5 cents per hundred pounds applying from Port Leyden, N. Y., to Rome, Alder Creek being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 5917, filed with the commission May 7, 1909, but said last named rate was inapplicable to the shipments transported as aforesaid. Effective May 25, 1910, respondent established a rate of 5 cents per hundred pounds on excelsior wood, carloads, applying from Alder Creek to Rome, as shown by its freight tariff P. S. C., 2 N. Y., No. 7652, filed with the Commission April 23, 1910. Complainant claims and respondent admits that the said rate of 6½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 5 cents per hundred pounds which was made effective May 25, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $135.27, the amount collected upon said shipments, and $104.05, the sum produced by a rate of 5 cents per hundred pounds upon an aggregate weight of 208,100 pounds, that is to say, $31.22, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Rome Excelsior Works, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $31.22 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $135.27 for transportation of the shipments aforesaid.

[Case No. 1876]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

Estate of Robert E. Westcott, complainant, *v.* The New York Central and Hudson River Railroad Company, respondent.

Authority to refund $285.75.

Upon shipments of eleven carloads of ice forwarded on March 12, 1910, over the New York Central and Hudson River railroad from Cape Vincent to Lyons Falls within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Estate of Robert E. Westcott, for the transportation thereof the sum of $457.20, computed at a rate of 8 cents per hundred pounds upon an aggregate weight of 571,500 pounds. Such charge was assessed in accordance with effective sixth-class rate on ice, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6581, filed with the Commission July 29, 1909. Respondent states it had knowledge of the movement of said shipments and issued on one day's notice, under special permission order of the Commission No. 1397, supplement No. 2 to its freight tariff P. S. C., 2 N. Y., No. 6356, effective March 14, 1910, filed with the Commission March 12, 1910, containing a rate of 60 cents per ton of 2000 pounds on ice, carloads, applying from said point of shipment to destination; that complainant issued instructions to have said shipments forwarded when the reduced rate of 60 cents per ton of 2000 pounds became effective, but through misunderstanding on the part of shippers the cars were forwarded on the above named date and charged in accordance with the effective rate as aforesaid. Complainant claims and respondent admits that the said rate of 8 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 60 cents per ton of 2000 pounds which was made effective March 14, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $457.20, the amount collected upon said shipments, and $171.45, the sum produced by a rate of 8 cents per hundred pounds upon an aggregate weight of 571,500 pounds, that is to say, $285.75, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Estate of Robert E. Westcott, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $285.75 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $457.20 for transportation of the shipments aforesaid.

[Case No. 1879]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

J. R. WERTMAN, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $8.31.

Upon a shipment of one carload of scrap iron on November 18, 1909, over the New York Central and Hudson River railroad from Waterloo to Syracuse within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $30.45, computed at a rate of 5½ cents per 112 pounds upon a carload weight of 62,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. Apparently the transportation charge was borne by complainant. On the date said shipment moved respondent had in effect on scrap iron, carloads, a rate of 80 cents per ton of 2240 pounds applying from Geneva, N. Y., to Syracuse, Waterloo being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 5479, filed with the Commission March 31, 1909, but said last named rate was inapplicable to the shipment transported as aforesaid. Effective July 1, 1910, respondent established a rate of 80 cents per ton of 2240 pounds upon carload shipments of scrap iron applying from Waterloo to Syracuse, as shown by its freight tariff P. S. C., 2 N. Y., No. 7745, filed with the Commission May 31, 1910, and this rate is now in force. Complainant claims and respondent admits that the said rate of 5½ cents per 112 pounds was excessive, and respondent further admits that the said reduced rate of 80 cents per ton of 2240 pounds which was made effective July 1, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $30.45, the amount collected upon said shipment, and $22.14, the sum produced by a rate of 80 cents per ton of 2240 pounds upon a carload weight of 62,000 pounds, that is to say, $8.31, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, J. R. Wertman, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $8.31 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $30.45 for transportation of the shipment aforesaid.

[Case No. 1880]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

LOCKPORT PAPER COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $31.64.

Upon shipments of thirteen carloads of waste paper transported during the period from April 9 to July 11, 1909, over the New York Central and Hudson River railroad from Suspension Bridge to Lockport within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Lockport Paper Company, for the transportation thereof the sum of $158.18, computed at a rate of 5 cents per hundred pounds upon an aggregate weight of 316,340 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. During the period said shipments moved respondent had in effect a rate of 4 cents per hundred pounds on waste paper, carloads, applying from Niagara Falls, N. Y., to Lockport, Suspension Bridge being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 5123, filed with the Commission December 31, 1908, but said last named rate was inapplicable to the shipments transported as aforesaid. Effective July 15, 1909, respondent established a rate of 4 cents per hundred pounds on carload shipments of waste paper applying from Suspension Bridge to Lockport, as shown by its freight tariff P. S. C., 2 N. Y., No. 6407, filed with the Commission June 14, 1909, and this rate is now in effect. Complainant claims and respondent admits that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 4 cents per hundred pounds which was made effective July 15, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $158.18, the amount collected upon said shipments, and $126.54, the sum produced by a rate of 4 cents per hundred pounds upon an aggregate weight of 316,340 pounds, that is to say, $31.64, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Lockport Paper Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $31.64 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $158.18 for transportation of the shipments aforesaid.

[Case No. 1881]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

THE RAQUETTE LAKE SUPPLY COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $12.49.

Upon a shipment of one carload of hay, forwarded on or about January 20, 1910, from Herkimer, N. Y., over the New York Central and Hudson River railroad and via Clearwater, N. Y., and the Raquette Lake railway to Eagle Bay, N. Y., respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $46.54, computed at a rate of 20½ cents per hundred pounds upon a carload weight of 22,700 pounds. Such charge was assessed in accordance with effective fifth-class rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6782, issued in connection with Raquette Lake Railway Company, filed with the Commission September 13, 1909. It appears that the transportation charge was borne by complainant. At the time said shipment moved there was in effect on carload shipments of hay a rate of 17 cents per hundred pounds applying from Herkimer via Clearwater to Raquette Lake station, Eagle Bay being intermediate thereto, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 5556, issued in connection with Raquette Lake Railway Company, filed with the Commission April 12, 1909, but said last named rate was inapplicable to the shipment transported as aforesaid. It also appears that Eagle Bay is located nine miles nearer Herkimer than is Raquette Lake station, and effective March 4, 1910, a rate of 15 cents per hundred pounds was established on hay, carloads, applying from Herkimer via Clearwater to Eagle Bay, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 7410, issued in connection with Raquette Lake Railway Company, filed with the Commission February 1, 1910. Complainant claims and respondent admits that the said rate of 20½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 15 cents per hundred pounds which was made effective March 4, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $46.54, the amount collected upon said shipment, and $34.05, the sum produced by a rate of 15 cents per hundred pounds upon a carload weight of 22,700 pounds, that is to say, $12.49, should be allowed to complainant upon said shipment, it is

Ordered: That complainant, The Raquette Lake Supply Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $12.49 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $46.54 for transportation of the shipment aforesaid.

[Case No. 1882]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

JOHN F. DAILEY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $19.41.

Upon shipments of three carloads of wheat forwarded respectively on May 28, July 30, and August 2, 1909, over the New York Central and Hudson River railroad from Bergen to Niagara Falls within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $97.08, computed at a rate of 5 cents per hundred pounds upon an aggregate weight of 194,170 pounds. Such charges were assessed in accordance with effective sixth-class rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that the transportation charges were borne by complainant. Previous to March 15, 1909, and from at least September 23, 1907, respondent had in effect a rate of 4 cents per hundred pounds on wheat, carloads, applying from said point of shipment to destination, as shown by its freight tariff P. S. C., 2 N. Y., No. 1115, filed with the Commission September 23, 1907. Effective April 22, 1910, respondent reëstablished a rate of 4 cents per hundred pounds on wheat, carloads, applying from Bergen to Niagara Falls, as shown by supplement No. 8 to its freight tariff P. S. C., 2 N. Y., No. 5303, filed with the Commission March 21, 1910, and is now in effect. Complainant claims and respondent admits that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said reëstablished rate of 4 cents per hundred pounds which was made effective April 22, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $97.08, the amount collected upon said shipments, and $77.67, the sum produced by a rate of 4 cents per hundred pounds upon an aggregate weight of 194,170 pounds, that is to say, $19.41, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, John F. Dailey, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $19.41 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $97.08 for transportation of the shipments aforesaid.

[Case No. 1883]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

GARNER & CO., complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $56.23.

During the period from June 30 to November 15, 1909, upon various less than carload shipments of cotton piece goods in bales, of aggregate weight 208,712 pounds, transported over the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) from Newburgh to West Haverstraw within this State, respondent, The New York Central and Hudson River Railroad Company, collected for the transportation thereof the sum of $181.46, the effective rate applicable thereto being 9 cents per hundred pounds, under authority of the official classification and West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, and the aggregate amount properly chargeable in accordance therewith being the sum of $187.84. It appears that the transportation charges were borne by complainants. Previous to June 26, 1909, and from at least September 18, 1907, there was in effect on cotton piece goods, in bales, in any quantity, a rate of 6 cents per hundred pounds applying from Newburgh to West Haverstraw, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1488, filed with the Commission on April 17, 1909. Respondent states that if request therefor had been made previous to the movement of said shipments a rate of 6 cents per hundred pounds would have been established applicable thereto. Effective March 21, 1910, a rate of 6 cents per hundred pounds was reëstablished on cotton piece goods, in bales, in any quantity, applying from Newburgh to West Haverstraw, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1933, filed with the Commission February 17, 1910. Said last named rate is still in effect as shown in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 2047, filed with the Commission May 4, 1910. Complainants claim and respondent admits that the said rate of 9 cents per hundred pounds was excessive, and respondent further admits that the said reëstablished rate of 6 cents per hundred pounds which was made effective March 21, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $181.46, the amount collected upon said shipments, and $125.23, the sum produced by a rate of 6 cents per hundred pounds upon an aggregate weight of 208,712 pounds, that is to say, $56.23, should be allowed to complainants upon said shipments, it is

Ordered: That the complainants, Garner & Co., are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $56.23 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $181.46 for transportation of the shipments aforesaid.

[Case No. 1884]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

E. D. MARTIN, complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY and BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, respondents.

Authority to refund $12.74.

Upon shipments of two carloads of lumber forwarded respectively on February 10 and 12, 1910, from Kanona, N. Y., over the Delaware, Lackawanna and Western railroad and via Buffalo, Rochester and Pittsburgh Junction, N. Y., and the Buffalo, Rochester and Pittsburgh railway to Rochester, N. Y., respondents, The Delaware, Lackawanna and Western Railroad Company and Buffalo, Rochester and Pittsburgh Railway Company, charged and collected for the transportation thereof the sum of $89.18, computed at a rate of 7 cents per hundred pounds upon an aggregate weight of 127,400 pounds. Such charge was assessed in accordance with effective sixth-class joint rate on carload shipments of said commodity contained in The Delaware, Lackawanna and Western Railroad Company freight tariff P. S. C., 2 N. Y., No. 185, issued in connection with Buffalo, Rochester and Pittsburgh Railway Company, filed with the Commission September 30, 1907. It appears that previous to the movement of said shipments complainant was erroneously advised by representative of the Buffalo, Rochester and Pittsburgh Railway Company that a rate of $1 per ton of 2000 pounds was applicable to the transportation thereof, said rate having been in force previous to December 9, 1907, as contained in Delaware, Lackawanna and Western Railroad Company freight tariff P. S. C., 2 N. Y., No. 131, issued in connection with Buffalo, Rochester and Pittsburgh Railway Company, filed with the Commission October 2, 1907, but which was canceled by supplement No. 1 to said Delaware, Lackawanna and Western Railroad Company freight tariff P. S. C., 2 N. Y., No. 131, and the rate increased to sixth-class rate of 7 cents per hundred pounds, as shown in P. S. C., 2 N. Y., No. 185, above mentioned; that complainant based his selling price of said commodity on the rate erroneously quoted, and that the transportation charges were borne by complainant. It also appears that on the dates said shipments moved there was in effect on lumber, carloads, a rate of $1.30 per ton of 2000 pounds applying from Corning, N. Y., on the Delaware, Lackawanna and Western railroad via said Junction and over the Buffalo, Rochester and Pittsburgh railway to Rochester, Kanona being intermediate thereto, as shown by Delaware, Lackawanna and Western Railroad Company freight tariff P. S. C., 2 N. Y., No. 915, issued in connection with Buffalo, Rochester and Pittsburgh Railway Company, filed with the Commission October 11, 1909, but said last named rate was inapplicable to the shipments transported as aforesaid. Effective May 12, 1910, a rate of $1.20 per ton of 2000 pounds was established on lumber, carloads, applying from Kanona over the route traversed as described to Rochester, as shown by Delaware, Lackawanna and Western Railroad Company freight tariff P. S. C., 2 N. Y., No. 1031, issued in connection with Buffalo, Rochester and Pittsburgh Railway Company, filed with the Commission April 9, 1910, and this rate is now in force. Complainant claims and respondents admit that the said rate of 7 cents per hundred pounds was excessive, and respondents further admit that the said reduced rate of $1.20 per ton of 2000 pounds which was made effective May 12, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of

the difference between $89.18, the amount collected upon said shipments, and $76.44, the sum produced by a rate of $1.20 per ton of 2000 pounds upon an aggregate weight of 127,400 pounds, that is to say, $12.74, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, E. D. Martin, is entitled to recover from respondents, The Delaware, Lackawanna and Western Railroad Company and Buffalo, Rochester and Pittsburgh Railway Company, the sum of $12.74 as reparation for and on account of exaction by respondents of said unjust and unreasonable charges of $89.18 for transportation of the shipments aforesaid.

[Case No. 1885]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

GRAHAM PARSONS, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $40.87.

During the period from April 3 to July 10, 1909, respondent, The New York Central and Hudson River Railroad Company, upon order of complainant, Graham Parsons, transported carload shipments of vinegar from its station in the city of Rochester known as Brighton to various points on its line, and assessed an aggregate transportation charge of $196.91, in accordance with effective fifth-class rate on carload shipments of vinegar contained in its freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, as follows: to Rome, N. Y., on May 29, 1909, one carload, of weight 31,000 pounds; on July 10, 1909, one carload, of weight 34,300 pounds; an aggregate weight of 65,300 pounds, at 10 cents per 100 pounds, $65.30; to Herkimer, N. Y., on April 10, 1909, one carload, of weight 31,100 pounds, at 11 cents per 100 pounds, $34.21; to Little Falls, N. Y., on April 3, 1909, one carload, of weight 44,900 pounds, at 11½ cents per 100 pounds, $51.64; to Troy, N. Y., on June 29, 1909, one carload, of weight 35,200 pounds, at 13 cents per 100 pounds, $45.76: total, $196.91. It appears that the transportation charges were borne by complainant. During said period respondent had in effect on carload shipments of vinegar applying from Kent Street station and Portland Avenue station, Rochester, N. Y., rates of 8 cents per hundred pounds to Rome, and 10½ cents per hundred pounds to Troy, Brighton station being intermediate thereto; also a rate of 9½ cents per hundred pounds applying from said last mentioned Rochester stations to Fonda, N. Y., Herkimer and Little Falls being intermediate thereto, as contained in its freight tariff P. S. C., 2 N. Y., No. 5202, filed with the Commission January 15, 1909, but none of said last named rates were applicable to the shipments transported as aforesaid. Effective September 1, 1909, respondent established rates on carload shipments of vinegar from Brighton station to Rome of 8 cents per hundred pounds, to Herkimer of 8½ cents per hundred pounds, to Little Falls of 9 cents per hundred pounds, and to Troy of 10½ cents per hundred pounds, as shown by its freight tariff P. S. C., 2 N. Y., No. 6610, filed with the Commission July 31, 1909. Complainant claims and respondent admits that the said rates as originally applied and collected upon said shipments were excessive, and respondent further admits that the said reduced rates which were made effective September 1, 1909, as above described, would be just and reasonable charges applied to the shipments in question and which would result as fol-

lows: to Rome, two carloads, aggregate weight 65,300 pounds, at 8 cents per 100 pounds, $52.24; to Herkimer, one carload, of weight 31,100 pounds, at 8½ cents per 100 pounds, $26.43; to Little Falls, one carload, of weight 44,900 pounds, at 9 cents per 100 pounds, $40.41; to Troy, one carload, of weight 35,200 pounds, at 10½ cents per 100 pounds, $36.96: total, $156.04. It appearing to the Commission that reparation to the extent of the difference between $196.91, the aggregate amount collected upon said shipments, and $156.04, the sum produced by said reduced rates applied thereto as herein described, that is to say, $40.87, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Graham Parsons, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $40.87 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $196.91 for transportation of the shipments aforesaid.

[Case No. 1886]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

W. H. Gratwick, complainant, *v.* The Delaware, Lackawanna and Western Railroad Company, respondent.

Authority for adjustment of freight charges.

Upon shipments of two carloads of sand forwarded respectively on March 14 and 18, 1910, over the Delaware, Lackawanna and Western railroad from Buffalo to Craigs within this State, respondent, The Delaware, Lackawanna and Western Railroad Company, charged complainant, W. H. Gratwick, for the transportation thereof the sum of $65.20, computed at a rate of 5 cents per hundred pounds upon an aggregate weight of 130,400 pounds. Such charge was made in accordance with effective sixth-class rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 940, filed with the Commission December 15, 1909. It appears however that the shipments were originally billed at rate of 55 cents per ton of 2000 pounds and charges to the amount of $35.86 based thereon collected from complainant, leaving a balance still outstanding of $29.34. Respondent states this was due to the fact that previous to March 10, 1910, the effective rate on carloads of sand transported from said point of shipment to destination was 55 cents per ton of 2000 pounds, as contained in supplement No. 14 to its freight tariff P. S. C., 2 N. Y., No. 584, filed with the Commission August 21, 1909, but that said last named tariff was canceled by its freight tariff P. S. C., 2 N. Y., No. 988, filed with the Commission February 5, 1910, and through error said rate of 55 cents per ton of 2000 pounds applicable as aforesaid was not included therein. Effective April 11, 1910, respondent reëstablished a rate of 55 cents per ton of 2000 pounds upon sand, carloads, applying from Buffalo to Craigs as shown by supplement No. 1 to its freight tariff P. S. C., 2 N. Y., No. 988, filed with the Commission February 21, 1910, and this rate is now in force. Complainant claims and respondent admits that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said reëstablished rate of 55 cents per ton of 2000 pounds which was made effective April 11, 1910, would be a just and reasonable charge applied to the shipments in question. Therefore upon the papers

on file, including reduction of the rate challenged, respondent's concession that the transportation charges as sought to be applied are excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That complainant, W. H. Gratwick, is entitled to have the charges upon said shipments as aforesaid adjusted by respondent, The Delaware, Lackawanna and Western Railroad Company, upon the basis of said reëstablished rate of 55 cents per ton of 2000 pounds in accordance with supplement No. 1 to respondent's freight tariff P. S. C., 2 N. Y., No. 988, which respondent admits would be reasonable and just, and which will result in a charge of $35.86, instead of on the basis of said excessive rate of 5 cents per hundred pounds in effect at the time said shipment moved.

[Case No. 1903]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE RAQUETTE LAKE SUPPLY CO., complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $4.26.

Upon shipments of two carloads of hay forwarded respectively on March 16 and 18, 1910, from Marcy, N. Y., over the New York Central and Hudson River railroad, and via Clearwater, N. Y., and the Raquette Lake railway to Raquette Lake, N. Y., respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, The Raquette Lake Supply Company, for transportation thereof the sum of $76.73, computed at a combination rate of 18 cents per hundred pounds upon an aggregate weight of 42,628 pounds. Such charge was assessed in accordance with respondent's freight tariff P. S. C., 2 N. Y., No. 7087, filed with the Commission November 3, 1909, containing a rate of 10 cents per hundred pounds on hay and straw, carloads, applying from Marcy to Clearwater, and respondent's Raquette Lake railway freight tariff P. S. C., 2 N. Y., No. 7056, filed with the Commission October 22, 1909, containing a rate of 8 cents per hundred pounds on hay and straw, carloads, applying from Clearwater to Raquette Lake. On the dates said shipments moved there was in effect on hay and straw, carloads, a joint rate of 17 cents per hundred pounds applying from Utica, N. Y., via Clearwater to Raquette Lake, Marcy being intermediate to Utica and Clearwater, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 7410, filed with the Commission February 1, 1910, but said last named rate was inapplicable to the shipments transported as aforesaid. Effective May 16, 1910, a joint rate of 17 cents per hundred pounds was established on carload shipments of hay and straw applying from Marcy via Clearwater to Raquette Lake, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 7610, issued in connection with Raquette Lake Railway Company, filed with the Commission April 15, 1910. Complainant claims and respondent admits that the said rate of 18 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 17 cents per hundred pounds which was made effective May 16, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $76.73, the amount collected upon said shipment, and $72.47, the sum produced by a rate of 17 cents per hundred pounds upon an aggregate weight of 42,628 pounds,

that is to say, $4.26, should be allowed to complainant upon said shipment, it is

Ordered: That complainant, The Raquette Lake Supply Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $4.26 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $76.73 for transportation of the shipments aforesaid.

[Case No. 1904]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THOMAS KEERY, complainant, *v.* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, respondent.

Authority for adjustment of freight charges.

Upon a shipment of one carload of sand transported March 7, 1910, over the New York, Ontario and Western railway from Fish's Eddy to Cadosia within this State, respondent, New York, Ontario and Western Railway Company, charged complainant, Thomas Keery, for the transportation thereof the sum of $30.20, computed at a rate of 4 cents per hundred pounds upon a carload weight of 75,500 pounds. Such charge was assessed in accordance with effective sixth-class rate on sand, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 509, filed with the Commission September 25, 1907. It appears that the transportation charge is unpaid. The distance traversed by said shipment is but six miles, and on the date it moved respondent had in effect the rate of 30 cents per 2000 pounds on sand, carloads, applying from Fish's Eddy to East Branch, approximately the same distance as from Fish's Eddy to Cadosia, but in the opposite direction, as contained in its freight tariff P. S. C., 2 N. Y., No. 1200, filed with the Commission October 23, 1908. Effective June 11, 1910, respondent established a rate of 30 cents per 2000 pounds on carload shipments of sand applying from Fish's Eddy to Cadosia, as shown by its freight tariff P. S. C., 2 N. Y., No. 1622, filed with the Commission May 9, 1910. Complainant claims and respondent admits that the said rate of 4 cents per hundred pounds was excessive, and respondent further admits that the said rate of 30 cents per 2000 pounds which was made effective June 11, 1910, would be a just and reasonable charge applied to the shipment in question, and which would result in a charge of $11.32. Therefore, upon the papers on file, including reduction of the rate challenged, respondent's concession that the transportation charge as sought to be applied is excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, Thomas Keery, is entitled to have the charge on said shipment as aforesaid adjusted by respondent, New York, Ontario and Western Railway Company, upon the basis of said reduced rate of 30 cents per 2000 pounds which respondent admits would be reasonable and just, and which will result in a charge of $11.32, instead of on the basis of said rate of 4 cents per hundred pounds in effect on the date said shipment moved.

[Case No. 1905]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JOHN F. DAILEY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $17.99.

Upon shipments of three carloads of wheat transported on October 7 and 8, 1909, over the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) from Byron Center to Buffalo within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $89.92, computed at a rate of 5 cents per hundred pounds upon an aggregate weight of 179,840 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of wheat as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that the transportation charges were borne by complainant. It also appears that previous to March 15, 1909, there was in effect a rate of 4 cents per hundred pounds on wheat, carloads, applying from Byron Center to Buffalo, as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 192, filed with the Commission September 23, 1907, which tariff was canceled by supplement No. 1 thereto, filed with the Commission March 3, 1909, and the rate advanced to 5 cents per hundred pounds in accordance with sixth-class rate contained in said West Shore railroad tariff (freight) P. S. C., 2 N. Y., No. 1. Respondent states that subsequent investigation satisfied it that a rate of 4 cents per hundred pounds on said traffic should be reëstablished, and effective April 10, 1910, as shown by supplement No. 4 to West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1638, filed with the Commission March 9, 1910, respondent reëstablished the rate of 4 cents per hundred pounds on wheat, carloads, applying from Byron Center to Buffalo, and said last named rate is now in force and effect. Complainant claims and respondent admits that said rate of 5 cents per hundred pounds was excessive, and respondent further admits that said rate of 4 cents per hundred pounds which was reëstablished and made effective April 10, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $89.92, the amount collected upon said shipments, and $71.93, the sum produced by a rate of 4 cents per hundred pounds upon an aggregate weight of 179,840 pounds, that is to say, $17.99, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, John F. Dailey, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $17.99 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $89.92 for transportation of the shipments aforesaid.

[Case No. 1906]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JACOB DOLD PACKING CO., complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $573.31.

During the period from September 28, 1907, to and including March 3, 1909, respondent, The New York Central and Hudson River Railroad Company, transported in refrigerator cars from East Buffalo to Utica and Amsterdam within this State, various mixed carload shipments of fresh dressed meats and other commodities, and charged and collected from complainant, Jacob Dold Packing Co., for the transportation thereof as follows: from East Buffalo to Utica 52 shipments, of aggregate weight 1,066,604 pounds, at 22 cents per hundred pounds, in accordance with effective third-class rate under authority of respondent's freight tariffs P. S. C., 2 N. Y., No. 2489, filed with the Commission October 2, 1907, P. S. C., 2 N. Y., No. 3737, filed with the Commission April 15, 1908, and P. S. C., 2 N. Y., No. 4753, filed with the Commission September 14, 1908, $2350.76; from East Buffalo to Amsterdam 44 shipments, of aggregate weight 881,393 pounds, at 24 cents per hundred pounds, in accordance with effective third-class rate as in said last named tariff, $2115.32. During the period above mentioned and at present rule 3 of exceptions to official classification was and is in force and effect, and which reads as follows:

"When any of the following articles (smoked meats), or articles taking fifth-class rates in carloads, as per current Official Classification, are loaded with dressed beef, sheep or hogs, or fresh meats and other articles taking dressed beef rates in carloads, the several articles shall be charged for at actual weight and at the carload rates applying thereto subject to a minimum charge for the entire shipment of 20,000 pounds at the dressed beef rate, provided however, that if the aggregate charge for the shipment at actual weight and l.c.l. rates for the several articles is less than the minimum charge of 20,000 pounds at the dressed beef rate, the entire shipment will be charged for at actual weight and l.c.l. rates for the various articles comprising the shipment."

During said period respondent also transported two mixed shipments of fresh dressed meats and smoked meats from East Buffalo to Utica, and charged and collected from complainant for the transportation thereof, under authority of said rule 3 and in accordance with effective rates of 31 cents per hundred pounds on less than carload shipments of dressed meats and 18 cents per hundred pounds on less than carload shipments of smoked meats, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, as follows: one shipment consisting of 12,000 pounds of fresh dressed meats at 31 cents per hundred pounds, $37.20; 2500 pounds of smoked meats at 18 cents per hundred pounds, $4.50: $41.70; one shipment consisting of 12,000 pounds of fresh dressed meats at 31 cents per hundred pounds, $37.20; 2400 pounds of smoked meats at 18 cents per hundred pounds, $4.32: $41.52. The aggregate charges collected by respondent for the transportation of traffic above described amounted to $4549.30. During the period when said shipments moved respondent had in effect on dressed beef, sheep, and hogs, when shipped in refrigerator cars and in carloads, minimum weight 20,000 pounds, a rate of 20 cents per hundred pounds applying from Niagara Frontier points, including East Buffalo, to Schenectady, Utica and Amsterdam being intermediate thereto, as shown by its freight tariff P. S C., 2 N. Y., No. 719, filed with the Commission September 23, 1907, but said last named rate was inapplicable to the shipments transported as aforesaid. Effective March 6, 1909, respondent established a rate of 20 cents per hundred pounds on dressed

beef, sheep, and hogs, when shipped in refrigerator cars and in carloads, minimum weight 20,000 pounds, applying from East Buffalo to Utica and Amsterdam, as shown by its freight tariff P. S. C., 2 N. Y., No. 5284, filed with the Commission February 3, 1909, and this rate is now in effect. Complainant claims and respondent admits that the said rates as originally applied and collected were excessive, and respondent further admits that the said reduced rate of 20 cents per hundred pounds which was made effective March 6, 1909, would be a just and reasonable charge applied to the shipments in question, and which applied to the aggregate weight involved of 1,987,997 pounds and in accordance with the various tariff regulations applicable thereto would result in a charge of $3975.99. It appearing to the Commission that reparation to the extent of the difference between $4549.30, the aggregate amount collected upon said shipments, and $3975.99, the sum produced by a rate of 20 cents per hundred pounds upon an aggregate weight of 1,987,997 pounds, that is to say, $573.31, should be allowed to complainant upon said shipments, it is

Ordered: That complainant, Jacob Dold Packing Co., is entitled to recover from respondent, the New York Central and Hudson River Railroad Company, the sum of $573.31 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $4549.30 for transportation of the shipments aforesaid.

[Case No. 1951]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

BRICK TERRA COTTA AND TILE COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $163.54.

Upon nine carload shipments of paving brick transported during the period from March 25 to April 11, 1910, over the New York Central and Hudson River railroad from Corning to Herkimer within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $572.32, computed at a rate of 10½ cents per hundred pounds upon an aggregate weight of 545,050 pounds. Such rate was assessed in accordance with respondent's effective sixth-class rate on carload shipments of said commodity as contained in its freight tariff P. S. C., 2 N. Y., No. 1918, filed with the Commission October 1, 1907. It appears that the transportation charges were borne by complainant. During the period said shipments moved respondent had in effect on paving brick, carloads, a rate of $1.50 per ton of 2000 pounds applying from Corning to Albany, N. Y., Herkimer being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 7082, filed with the Commission November 3, 1909, but said last named rate was inapplicable to the shipments transported as aforesaid. Effective April 13, 1910, in accordance with special permission order of the Commission No. 1428, respondent established a rate of $1.50 per ton of 2000 pounds on paving brick, carloads, applying from Corning to Herkimer, as shown by supplement No. 2 to its freight tariff P. S. C., 2 N. Y., No. 7082, filed with the Commission April 11, 1910. Complainant claims and respondent admits that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of $1.50 per ton of 2000 pounds which was made effective April 13, 1910, would be a

just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $572.32, the amount collected upon said shipments, and $408.78, the sum produced by a rate of $1.50 per ton of 2000 pounds upon an aggregate weight of 545,050 pounds, that is to say, $163.54, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Brick Terra Cotta and Tile Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $163.54 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $572.32 for transportation of the shipments aforesaid.

[Case No. 1952]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

Frick Company, complainant, *v.* The New York Central and Hudson River Railroad Company, respondent.

Authority to refund $3.50.

On or about January 16, 1909, respondent, The New York Central and Hudson River Railroad Company, transported over its railroad from Medina to Rochester within this State, one traction engine, of weight 16,000 pounds, on its flat car No. 32532, of floor length forty feet, and charged and collected from complainant, Frick Company, for the transportation thereof the sum of $17.50. Such charge was assessed in accordance with effective fifth-class rate of 7 cents per hundred pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, and rule 27 of official classification No. 33 which was then in force, and which contained a provision to the effect that traffic carried in or on cars over thirty-eight feet six inches and under forty feet six inches in length, the minimum weight applicable thereto should be not less than 25,000 pounds. It appears that an ordinary car, namely, thirty-six feet six inches in length, was ordered by the shipper of said traction engine, and that said car No. 32532 was placed for loading by respondent's agent without notice to the shipper that if used a higher charge would apply than applicable upon a car not exceeding thirty-six feet six inches in length, and as to which a minimum weight of 20,000 pounds may be properly applied. Effective April 1, 1910, in supplement No. 4 to official classification No. 35, respondent established an amendment to rule 27 thereof reading as follows: "D. If a shipper orders a car less than 40 ft. 6 in. in length, and the carrier is unable to furnish such a car, and furnishes a longer car than that ordered but not exceeding 40 ft. 6 in. in length, the minimum weight shall be that fixed for the car ordered, except that when the loading capacity of the car furnished is used, the minimum weight shall be that fixed for the car furnished." Complainant claims and respondent admits that said charge as applied and collected, under all the circumstances was unjust and unreasonable, and respondent further admits that a rate of 7 cents per hundred pounds applied under the provisions of said amendment "D" to rule 27 of official classification No. 35 would be just and reasonable applied to the shipment in question, and which would result in a charge of $14. It appearing to the Commission that reparation to the extent of the

difference between $17.50, the amount collected upon said shipment, and $14, the sum produced by a rate of 7 cents per hundred pounds applied to said shipment in accordance with said amendment "D" to rule 27 of official classification No. 35, that is to say, $3.50, should be allowed to complainant, it is

Ordered: That complainant, Frick Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $3.50 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $17.50 for transportation of the shipment aforesaid.

[Case No. 1953]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

F. E. CONLEY STONE CO., complainant, *v.* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, respondent. — Authority to refund $22.94.

Upon one carload of ground limestone transported on or about March 4, 1910, from Munns, N. Y., over the New York, Ontario and Western Railway and via Clark's Mills, N. Y., and the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) to Vernon, N. Y., respondent, New York, Ontario and Western Railway Company, and The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $43.79, computed at a rate of 10½ cents per hundred pounds upon a carload weight of 41,700 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity over said route as contained in New York, Ontario and Western Railway Company's freight tariff P. S. C., 2 N. Y., No. 1486, issued in connection with West Shore railroad, filed with the Commission September 17, 1909. It appears that the transportation charge was borne by complainant. Ground limestone, carloads, may be transported from said point of shipment to destination via Oneida, N. Y., and West Shore railroad, and at the time said shipment moved and at present the effective rate over said last named route applicable thereto is that of $1 per ton of 2000 pounds as contained in New York, Ontario and Western Railway Company's freight tariff P. S. C., 2 N. Y., No. 1534, issued in connection with West Shore railroad, filed with the Commission December 11, 1909. Complainant claims that the amount properly chargeable for the transportation of said shipment is a rate of $1 per ton of 2000 pounds applicable via Oneida as aforesaid, and respondent admits that said shipment was tendered for transportation without routing direction to its agent, and in the absence of routing direction should have been forwarded via Oneida at the effective rate thereby of $1 per ton of 2000 pounds instead of at a rate of 10½ cents per hundred pounds as charged and collected. Therefore upon the papers on file, including admission by respondent of its liability, and that the transportation charge as collected is unreasonable and unjust, and it appearing to the Commission that reparation to the extent of the difference between $43.79, the amount collected upon said shipment, and $20.85, the sum produced by a rate of $1 per ton of 2000 pounds upon a carload weight of 41,700 pounds, that is to say, $22.94, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, F. E. Conley Stone Company, is entitled to recover from respondent, New York, Ontario and Western Railway Company, the sum of $22.94 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $43.79 for transportation of the shipment aforesaid.

[Case No. 1954]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

H. N. Bain, complainant, *v.* Central New England Railway Company, respondent. — Authority to refund $15.

Upon a shipment of one carload of potatoes forwarded on or about December 1, 1909, from Dover Plains, N. Y., over the New York Central and Hudson River railroad to Millerton, N. Y., and transported from Millerton to Poughkeepsie, N. Y., over the Central New England railway, respondent, Central New England Railway Company, exacted from complainant, H. N. Bain, for the transportation service performed by respondent the sum of $27, computed at a rate of 9 cents per hundred pounds on a carload weight of 30,000 pounds, in accordance with effective fifth-class rate as contained in Central New England Railway Company freight tariff P. S. C., 2 N. Y., No. 325, filed with the Commission March 25, 1908. On November 26, 1909, respondent filed with the Commission its freight tariff P. S. C., 2 N. Y., No. 503, effective December 31, 1909, which contains a rate of 4 cents per hundred pounds applicable to the shipment of potatoes, carloads, from Millerton to Poughkeepsie. Complainant claims and respondent admits that the said rate of 9 cents per hundred pounds was unjust and unreasonable, and respondent further admits that the said reduced rate of 4 cents per hundred pounds which was made effective December 31, 1909, would be a just and reasonable charge for the transportation service performed by it and as applied to said shipment. It appearing to the Commission that reparation to the extent of the difference between $27, the amount exacted by respondent, and $12, the sum produced by a rate of 4 cents per hundred pounds upon a carload weight of 30,000 pounds, that is to say, $15, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, H. N. Bain, is entitled to recover from the respondent, Central New England Railway Company, the sum of $15 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $27 for transportation of the shipment from Millerton to Poughkeepsie as aforesaid.

[Case No. 1955]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

ST. LAWRENCE MARBLE QUARRIES, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $15.

On or about May 10, 1909, respondent, The New York Central and Hudson River Railroad Company, transported over its railroad from Gouverneur to State Street station, Rochester, within this State, one carload of building marble, of weight 30,000 pounds, and charged and collected for the transportation thereof the sum of $45, under authority of fifth-class rate contained in its freight tariff P. S. C., N. Y., No. 4155, filed with the Commission July 1, 1908. It appears that on the date said shipment moved the current official classification provided on building marble, carloads, fourth-class rate when consignor's valuation was not expressed, or when expressed exceeded one dollar per cubic foot, and fifth-class rate when valuation expressed by consignor did not exceed one dollar per cubic foot, as contained in supplement No. 5 to respondent's freight tariff P. S. C., 2 N. Y., No. 5052, filed with the Commission March 1, 1909. To make applicable said fourth-class or fifth-class rate to a shipment of said commodity the consignor was required to make and sign a statement on both the shipping order and bill of lading as follows: "The consignor of this property has the option of shipping the same at a higher rate without limitation as to value in case of loss or damage from causes which would make the carrier liable but agrees to a valuation of..... (per 100 lbs. or ton, net or gross, as the case may be) in case of loss or damage from causes which would make the carrier liable because of the lower rate thereby accorded for transportation." On said date respondent also had in effect a rate of 10 cents per hundred pounds on carload shipments of marble, chiseled, polished, dressed, sawed or hammered, valuation restricted to 40 cents per cubic foot, applying from Gouverneur to State Street station, Rochester, as contained in its freight tariff P. S. C., 2 N. Y., No. 5115, filed with the Commission December 26, 1908. Respondent states that through misinterpretation of the conditions contained in its said freight tariff P. S. C., 2 N. Y., No. 5115, its agent at Gouverneur informed the consignor, complainant, that release to the valuation of one dollar per cubic foot was only required to make applicable to said shipment a rate of 10 cents per hundred pounds. The shipment was forwarded in accordance with such understanding at a rate of 10 cents per hundred pounds. Upon arrival at destination respondent's agent observed that according to the billing the shipment was released to valuation of one dollar per cubic foot and transportation charge was necessarily increased to effective rate of 15 cents per hundred pounds and collected as hereinabove stated. It also appears from original shipping order submitted by respondent as executed by complainant under date of May 7, 1909, covering one carload of building marble, the valuation thereof was released to the amount of "20c cwt." which respondent states was noted on the shipping order by complainant with the intention of releasing the shipment to valuation of twenty cents per cubic foot; that complainant failed to note such release on the original bill of lading and also omitted therefrom the hereinabove quoted statement, and that such admissions were not detected by respondent's agent when the shipment was accepted. Complainant claims and respondent admits that the said rate of 15 cents per hundred pounds applied under the circum-

stances was excessive, and respondent further admits that said shipments would have been properly released to a valuation of twenty cents per cubic foot and the required notation would have been inserted on both the shipping order and bill of lading had not its agent at Gouverneur failed to call complainant's attention to the requirements contained in its said freight tariff P. S. C., 2 N. Y., No. 5115, and had its agent not advised complainant that it would not be necessary to release the property for any specific valuation. Therefore upon the papers on file, including respondent's concession that the transportation charge as applied and collected is excessive, its liability therefor, and that a rate of 10 cents per hundred pounds under authority of respondent's freight tariff P. S. C., 2 N. Y., No. 5115, amounting to $30, would be a just and reasonable charge applied to said shipment, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, St. Lawrence Marble Quarries, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $15 as reparation for and on account of exaction of respondent of said unjust and unreasonable charge of $45 for transportation of the shipment under the conditions and circumstances aforesaid.

[Case No. 1956]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

T. C. LUTHER, complainant, *v.* THE DELAWARE AND HUDSON COMPANY and BOSTON AND MAINE RAILROAD, respondents. — Authority to refund $26.35.

Upon a shipment of one carload of lumber on or about March 31, 1910, from Putnam, N. Y., over the railroad of The Delaware and Hudson Company and via Mechanicville and the Boston and Maine Railroad to Reynolds, N. Y., respondents, The Delaware and Hudson Company and Boston and Maine Railroad, charged and collected for the transportation thereof the sum of $68.51, computed at a rate of 13 cents per hundred pounds upon a carload weight of 52,700 pounds. Such charge was assessed in accordance with effective sixth-class rate on said commodity, carloads, as contained in The Delaware and Hudson Company freight tariff P. S. C., 2 N. Y., No. 80, issued in connection with Boston and Maine Railroad, filed with the Commission September 13, 1907. Apparently the transportation charge was borne by complainant. At the time said shipment moved there were in effect local rates on lumber, carloads, of $1 per ton of 2000 pounds applying from Putnam to Mechanicville, as contained in The Delaware and Hudson Company freight tariff P. S. C., 2 N. Y., No. 1599, filed with the Commission May 18, 1908, and 60 cents per ton of 2000 pounds applying from Mechanicville to Reynolds, as contained in supplement No. 1 to Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 80, filed with the Commission April 10, 1908, a combination through rate of $1.60 per ton of 2000 pounds, but inapplicable to the shipment transported as aforesaid. Effective June 10, 1910, in accordance with the provisions of rule 48 of the Commission's circular No. 55, a joint through rate of $1.60 per ton of 2000 pounds was established on carload shipments of lumber applying from Putnam via Mechanicville to Reynolds, as contained in The Delaware and Hudson

Company freight tariff P. S. C., 2 N. Y., No. 2370, issued in connection with Boston and Maine Railroad, filed with the Commission June 8, 1910, and said last named rate is now in effect. Complainant claims and respondents admit that the said rate of 13 cents per hundred pounds was excessive, and respondents further admit that the said reduced joint through rate of $1.60 per ton of 2000 pounds which was made effective July 10, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $68.51, the amount collected upon said shipment, and $42.16, the sum produced by a rate of $1.60 per ton of 2000 pounds upon a carload weight of 52,700 pounds, that is to say, $26.35, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, T. C. Luther, is entitled to recover from respondents, The Delaware and Hudson Company and Boston and Maine Railroad, the sum of $26.35 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $68.51 for transportation of the shipment aforesaid.

[Case No. 1958]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

THE UTICA WILLOWVALE BLEACHING COMPANY, complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, respondent. — Authority to refund $761.71.

Upon shipments of sixty-four carloads of cotton sheeting in bales during the period from February 1 to May 6, 1910, over the Delaware, Lackawanna and Western railroad from Utica to Chadwicks within this State, respondent, The Delaware, Lackawanna and Western Railroad Company, charged and collected from complainant, The Utica Willowvale Bleaching Company, for the transportation thereof the sum of $1184.89 computed at a rate of 7 cents per hundred pounds upon an aggregate weight of 1,692,700 pounds. Such charge was assessed in accordance with effective rate on cotton goods (cotton goods in the piece, which includes sheeting) in bales or in boxes, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 940, filed with the Commission December 15, 1909. During the period said shipments moved respondent had in effect on sheeting, in cases, in lots of 20,000 pounds or more, a rate of 2½ cents per hundred pounds applying from Utica to Chadwicks, as contained in its freight tariff P. S. C., 2 N. Y., No. 653, filed with the Commission November 23, 1908, and said last named rate was in effect from said point of shipment to destination as applied to sheeting in any quantity in cases, under authority of preceding tariff issues from at least September 30, 1907, to April 30, 1908. Effective May 7, 1910, respondent established a rate of 2½ cents per hundred pounds on sheeting, in bales or in cases, in lots of 20,000 pounds or more, applying from Utica to Chadwicks, as shown by supplement No. 2 to its freight tariff P. S. C., 2 N. Y., No. 653, filed with the Commission April 6, 1910, and this rate applied to said commodity in bales or in cases is now in effect. Complainant claims and respondent admits that the said rate of 7 cents per one hundred pounds was excessive, and respondent further admits that the said reduced rate of 2½ cents per hundred pounds as applied to said commodity in bales or in cases which was made effective May 7, 1910, would

be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $1184.89, the amount collected on said shipments, and $423.18, the sum produced by a rate of 2½ cents per hundred pounds upon an aggregate weight of 1,692,700 pounds, that is to say, $761.71, should be allowed to complainant upon said shipments, it is

Ordered: That complainant, The Utica Willowvale Bleaching Company, is entitled to recover from respondent, The Delaware, Lackawanna and Western Railroad Company, the sum of $761.71 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $1184.89 for transportation of the shipments aforesaid.

[Case No. 1959]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

Lewis H. Cowles, complainant, *v.* Lehigh Valley Railroad Company, respondent. — Authority to refund $31.66.

Upon four carload shipments of building stone transported respectively April 22, May 5, 11, and 28, 1910, over the Lehigh Valley railroad from Auburn to Cayuga within this State, respondent, Lehigh Valley Railroad Company, charged and collected from complainant, Lewis H. Cowles, for the transportation thereof the sum of $85.25, computed at a rate of 3½ cents per hundred pounds upon an aggregate weight of 243,600 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. D-1190, filed with the Commission May 26, 1909. It appears that previous to June 5, 1909, respondent's effective rate for the transportation of building stone, carloads, from said point of shipment to destination, was that of 44 cents per ton of 2000 pounds, under authority of its freight tariff P. S. C., 2 N. Y., No. D-181, filed with the Commission September 30, 1907, and that effective August 21, 1910, in accordance with special permission order of the Commission No. 1644, respondent established a rate of 44 cents per ton of 2000 pounds applicable to carload shipments of building stone from Auburn to Cayuga, as shown by supplement No. 6 to its freight tariff P. S. C., 2 N. Y., No. D-1179, filed with the Commission August 19, 1910. Complainant claims and respondent admits that the said rate of 3½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 44 cents per ton of 2000 pounds which was made effective August 21, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $85.25, the amount collected upon said shipments, and $53.59, the sum produced by a rate of 44 cents per ton of 2000 pounds upon an aggregate weight of 243,600 pounds, that is to say, $31.66, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Lewis H. Cowles, is entitled to recover from respondent, Lehigh Valley Railroad Company, the sum of $31.66 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $85.25 for transportation of the shipments aforesaid.

[Case No. 1969]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

T. C. LUTHER, complainant, *v.* THE DELAWARE AND HUDSON COMPANY and BOSTON AND MAINE RAILROAD, respondents. — Authority to refund $6.87.

Upon a shipment of one carload of posts on or about October 20, 1909, from Wayville, N. Y., over the Boston and Maine Railroad and via Mechanicville, N. Y., and the railroad of The Delaware and Hudson Company to Albany, N. Y., respondents, The Delaware and Hudson Company and Boston and Maine Railroad, charged and collected for the transportation thereof the sum of $36.05, computed at a rate of 7 cents per one hundred pounds upon a carload weight of 51,500 pounds. Such charge was assessed in accordance with effective sixth-class rate on said commodity, carloads, as contained in supplement No. 10 to Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 20, issued in connection with The Delaware and Hudson Company, filed with the Commission July 18, 1908. Apparently the transportation charge was borne by complainant. At the time said shipment moved there were in effect on posts, carloads, local rates of $8 per car, minimum weight 30,000 pounds, equal to 2⅔ cents per hundred pounds, applying from Wayville to Mechanicville, as contained in supplement No. 1 to Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 80, filed with the Commission April 10, 1908; and 60 cents per ton of 2000 pounds, equal to 3 cents per hundred pounds, applying from Mechanicville to Albany, as contained in The Delaware and Hudson Company freight tariff P. S. C., 2 N. Y., No. 1559, filed with the Commission May 18, 1908; a combination through rate of 5⅔ cents per hundred pounds, but inapplicable to the shipment transported as aforesaid. Effective March 28, 1910, a joint through rate of 5⅔ cents per hundred pounds was established on carload shipments of posts applying from Wayville via Mechanicville to Albany, as shown by Boston and Maine Railroad freight tariff P. S. C., 2 N. Y., No. 376, issued in connection with The Delaware and Hudson Company, filed with the Commission February 24, 1910, and said last named rate is now effective. Complainant claims and respondents admit that the said rate of 7 cents per hundred pounds was excessive, and respondents further admit that the said reduced joint through rate of 5⅔ cents per hundred pounds which was made effective March 28, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $36.05, the amount collected upon said shipment, and $29.18, the sum produced by a rate of 5⅔ cents per hundred pounds upon a carload weight of 51,500 pounds, that is to say, $6.87, should be allowed to complainant upon said shipment, it is

Ordered: That the complainant, T. C. Luther, is entitled to recover from respondents, The Delaware and Hudson Company and Boston and Maine Railroad, the sum of $6.87 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $36.05 for transportation of the shipment aforesaid.

[Case No. 1970]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

M. J. BRUCE & COMPANY, complainants, *v.* NEW YORK AND OTTAWA RAILWAY COMPANY, respondent.

Authority for adjustment of freight charges.

Upon six carload shipments of wood for fuel transported during the period from March 10 to 24, 1910, over the New York and Ottawa railway from Tupper Lake Junction to Tupper Lake within this State, respondent, New York and Ottawa Railway Company, charged complainants, M. J. Bruce & Company, for the transportation thereof the sum of $72, computed at a rate of 3 cents per hundred pounds upon the aggregate weight of 240,000 pounds, or 120 lineal cords. Such charge was assessed in accordance with effective rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 4, filed with the Commission September 13, 1907. It appears that previous to March 8, 1910, respondent had in effect a rate of 18 cents per lineal cord on wood for fuel, carloads, minimum 20 lineal cords, applying from said point of shipment to destination, as shown by its freight tariff P. S. C., 2 N. Y., No. 97, filed with the Commission July 31, 1908; that said last named tariff was superseded by respondent's freight tariff P. S. C., 2 N. Y., No. 167, effective March 8, 1910, filed with the Commission January 29, 1910, and which failed to include the rate of 18 cents per lineal cord as contained in said freight tariff P. S. C., 2 N. Y., No. 97; that through inadvertence respondent's agent collected charges from complainant on the basis of 18 cents per lineal cord, and notwithstanding corrections in billing were subsequently issued, charges to the amount of $50.40 are now outstanding. Effective March 31, 1910, in accordance with special permission order No. 1419, respondent reëstablished a rate of 18 cents per lineal cord on carload shipments of said commodity, minimum 20 lineal cords, applying from said point of shipment to destination, as shown by its freight tariff P. S. C., 2 N. Y., No. 199, filed with the Commission March 29, 1910, and said last named rate is now in effect. Complainants claim and respondent admits that said rate of 3 cents per hundred pounds was excessive, and respondent further admits that said reëstablished rate of 18 cents per lineal cord which was made effective March 31, 1910, would be a just and reasonable charge applied to the shipments in question. Therefore upon the papers on file, including reduction of the rate challenged, respondent's concession that the transportation charge as sought to be applied is excessive, and it appearing to the Commission that the relief sought should be granted to complainants, it is

Ordered: That complainants, M. J. Bruce & Company, are entitled to have the charge upon shipments as aforesaid adjusted by respondent, New York and Ottawa Railway Company, upon the basis of said reëstablished rate of 18 cents per lineal cord, which respondent admits would be reasonable and just and which would result in a charge of $21.60, instead of on the basis of said excessive rate of 3 cents per hundred pounds in effect at the time said shipments moved.

[Case No. 2053]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

ELECTRIC LIGHT PLANT, TUPPER LAKE, N. Y., complainant, *v.* NEW YORK AND OTTAWA RAILWAY COMPANY, respondent.

Authority for adjustment of freight charges.

Upon shipments of five carloads of wood for fuel, comprising 120 lineal cords, during the period from March 8 to 30, 1910, over the New York and Ottawa railway from Tupper Lake Junction to Tupper Lake within this State, respondent, New York and Ottawa Railway Company, erroneously charged and collected from complainant, Electric Light Plant, Tupper Lake, N. Y., for the transportation thereof the sum of $21.60, computed at a rate of 18 cents per lineal cord. The effective rate applicable to said shipments was that of 3 cents per hundred pounds, minimum carload weight 40,000 pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 4, filed with the Commission September 13, 1907, and aggregate amount of $60 was properly chargeable thereto. It appears that previous to March 8, 1910, respondent had in effect on carload shipments of said commodity from said point of shipment to destination a rate of 18 cents per lineal cord, as contained in its freight tariff P. S. C., 2 N. Y., No. 97, filed with the Commission July 31, 1908. Respondent states that in the re-publication of its tariffs a rate of 3 cents per hundred pounds, through inadvertence, was made applicable to shipments of wood for fuel, carloads, minimum weight 40,000 pounds, from Tupper Lake Junction to Tupper Lake; that effective March 31, 1910, in accordance with special permission order of the Commission No. 1419, such error was corrected by the issuance of respondent's freight tariff P. S. C., 2 N. Y., No. 199, filed with the Commission March 29, 1910, which reëstablished said rate of 18 cents per lineal cord on wood for fuel from Tupper Lake Junction to Tupper Lake. Said last named rate is now in effect. Complainant claims and respondent admits that said rate of 3 cents per hundred pounds was excessive, and respondent further admits that said reëstablished rate of 18 cents per lineal cord, effective March 31, 1910, would be a just and reasonable charge applied to the shipments in question. Therefore, upon the papers on file, including respondent's reduction of the rate challenged, its concession that the aggregate transportation charge applicable during the period said shipments were transported is excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That complainant, Electric Light Plant, Tupper Lake, N. Y., is entitled to have the charge upon said shipments as aforesaid adjusted by respondent, New York and Ottawa Railway Company, upon the basis of said reëstablished rate of 18 cents per lineal cord, which respondent admits would be just and reasonable and which will result in a charge of $21.60, instead of on the basis of said excessive rate of 3 cents per hundred pounds in effect during the period said shipments moved.

[Case No. 2058]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

WILLIAM COTTER, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $10.

Upon a shipment of one carload of cattle on or about October 17, 1908, from Little Falls, N. Y., over the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) and the New York Central and Hudson River railroad to West Albany, N. Y., respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, William Cotter, for the transportation thereof the sum of $27, computed at a rate of 13½ cents per hundred pounds upon a carload weight of 20,000 pounds. Such charge was assessed in accordance with effective fifth-class rate on carload shipments of cattle as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 204, issued in connection with The New York Central and Hudson River Railroad Company, filed with the Commission September 24, 1907. Traffic may be transported entirely over the New York Central and Hudson River railroad from Little Falls to West Albany, and at the time said shipment moved respondent had in effect on carload shipments of cattle over the New York Central and Hudson River railroad from Little Falls to West Albany a rate of 8½ cents per hundred pounds, as contained in its freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. Respondent states that if it had been advised of the prospective movement of cattle from Little Falls to West Albany via the West Shore railroad and the New York Central and Hudson River railroad a rate of 8½ cents per hundred pounds, carloads, would have been established applicable thereto. Effective November 12, 1908, in accordance with special permission order of the Commission No. 694, a rate of 8½ cents per hundred pounds was established upon cattle, carloads, from Little Falls over the West Shore railroad and the New York Central and Hudson River railroad to West Albany, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1303, issued in connection with The New York Central and Hudson River Railroad Company, filed with the Commission November 10, 1908, and is now in effect. Complainant claims and respondent admits that the said rate of 13½ cents per hundred pounds was excessive, and respondent further admits that said reduced rate of 8½ cents per hundred pounds which was made effective November 12, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $27, the amount collected upon said shipment, and $17, the sum produced by a rate of 8½ cents per hundred pounds upon a carload weight of 20,000 pounds, that is to say, $10, should be allowed to complainant upon said shipment, it is

Ordered: That complainant, William Cotter, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $10 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $27 for transportation of the shipment aforesaid.

[Case No. 2060]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

JOHN BRENDEL, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority to refund $23.

Upon a shipment of one carload of edgings (used for kindling wood) on or about November 16, 1909, over the New York Central and Hudson River railroad from Presho to Carroll Street, Buffalo, within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $48, computed at a rate of 12 cents per hundred pounds upon a carload weight of 40,000 pounds. Such charge was assessed in accordance with effective rate upon carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1918, filed with the Commission October 1, 1907. It appears that the transportation charge was borne by complainant. At the time said shipment moved respondent had in effect a rate of $1.25 per ton of 2000 pounds on slabwood, carloads, from said point of shipment to destination, as shown by its freight tariff P. S. C., 2 N. Y., No. 6273, filed with the Commission May 26, 1909. The shipment in question consisted of what is known as edgings, being waste pieces of wood about four feet long, from a sawmill, somewhat similar to slabwood, and used for kindling wood. Respondent states that if request therefor had been made previous to the movement of said shipment a rate of $1.25 per ton of 2000 pounds applicable to carload shipments of edgings from Presho to Carroll Street, Buffalo, would have been established. Effective June 10, 1910, respondent established a rate of $1.25 per ton of 2000 pounds on edgings, carloads, from Presho to Carroll Street, Buffalo, as shown by its freight tariff P. S. C., 2 N. Y., No. 7714, filed with the Commission May 9, 1910, and said rate is now in effect. Complainant claims and respondent admits that the said rate of 12 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of $1.25 per ton of 2000 pounds which was made effective June 10, 1910, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $48, the amount collected upon said shipment, and $25, the sum produced by a rate of $1.25 per ton of 2000 pounds upon a carload weight of 40,000 pounds, that is to say, $23, should be allowed to complainant upon said shipment, it is

Ordered: That complainant, John Brendel, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $23 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $48 for transportation of the shipment aforesaid.

[Case No. 2066]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

INTERNATIONAL PAPER COMPANY, complainant, *v.* THE DELAWARE AND HUDSON COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondents.

Authority to refund $634.05.

During the period from December 13, 1907, to February 13, 1908, respondents, The Delaware and Hudson Company and The New York Central and Hudson River Railroad Company, transported thirteen carloads of wood pulp screenings, of aggregate weight 567,000 pounds, from Corinth, N. Y., over the railroad of The Delaware and Hudson Company, and via Schenectady, N. Y., and the New York Central and Hudson River railroad to Watertown, N. Y., and charged and collected from complainant, International Paper Company, for the transportation thereof the sum of $1,172.70, as follows: five carloads, of aggregate weight 225,000 pounds, at 24 cents per 100 pounds, in accordance with effective rates of 9 cents per hundred pounds from Corinth to Schenectady contained in The Delaware and Hudson Company freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 31, 1907, and 15 cents per hundred pounds from Schenectady to Watertown contained in The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 2730, filed with the Commission October 30, 1907, $540; eight carloads, of aggregate weight 342,000 pounds, at 18½ cents per hundred pounds, made up of a combination of non-effective rate of 3½ cents per hundred pounds applicable only to wood pulp, carloads, from Corinth destined to Schenectady, contained in The Delaware and Hudson Company freight tariff P. S. C., 2 N. Y., No. 1227, filed with the Commission October 25, 1907, and effective rate of 15 cents per hundred pounds from Schenectady to Watertown, contained in The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 2730, filed with the Commission October 30, 1907, $632.70: total, $1,172.70. Wood pulp screenings is analagous to wood pulp. During the period said shipments moved there was no specific classification or commodity rate applying to wood pulp screenings, and in the absence thereof the rate properly applicable thereto was that of sixth-class applying to wood pulp, carloads, of 9 cents per hundred pounds from Corinth to Schenectady as contained in The Delaware and Hudson Company said freight tariff P. S. C., 2 N. Y., No. 1, and 15 cents per hundred pounds from Schenectady to Watertown as contained in The New York Central and Hudson River Railroad Company said freight tariff P. S. C., 2 N. Y., No. 2730, a combination of 24 cents per hundred pounds. Therefore the aggregate charge properly applicable to said shipments was $1,360.80, computed at a rate of 24 cents per hundred pounds upon an aggregate weight of 567,000 pounds. However, during the said period of time a rate of 5 cents per hundred pounds was in effect on sulphite or wood pulp, carloads, from Corinth to Schenectady when destined to points on the New York Central and Hudson River railroad, as contained in The Delaware and Hudson Company freight tariff P. S. C., 2 N. Y., No. 1276, filed with the Commission October 21, 1907; also said rate of 3½ cents per hundred pounds on wood pulp, carloads, from Corinth when destined to Schenectady as contained in The Delaware and Hudson Company said freight tariff P. S. C., 2 N. Y., No. 1227. Previous to December 12, 1907, a local commodity rate of 6

cents per hundred pounds was in effect on wood pulp screenings, carloads, applying from Schenectady to Watertown as contained in The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 2300, filed with the Commission September 30, 1907, which respondent The New York Central and Hudson River Railroad Company states was established to apply to carload shipments of wood pulp screenings from Corinth via Schenectady to Watertown, and which was canceled effective December 12, 1907, as shown by supplement No. 1 to The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 2300, filed with the Commission November 9, 1907, upon the assumption that no more shipments of wood pulp screenings would be offered for transportation from Corinth via Schenectady to Watertown. Respondent The New York Central and Hudson River Railroad Company also states that not until early in the year 1910 was its attention called to the necessity of providing a commodity rate to cover the movement of wood pulp screenings, carloads, from Corinth via Schenectady to Watertown; that negotiations were entered into with The Delaware and Hudson Company with the result that effective May 2, 1910, a joint through rate of 9½ cents per hundred pounds was established on carload shipments of wood pulp screenings applying from Corinth via Schenectady to Watertown, as shown by The Delaware and Hudson Company freight tariff P. S. C., 2 N. Y., No. 2336, issued in connection with The New York Central and Hudson River Railroad Company, filed with the Commission April 2, 1910, and said last named rate is now in effect. The lapse of time between the period during which said shipments moved and the date of filing of application by respondents for authority to make reparation to complainant, based on said reduced joint through rate of 9½ cents per hundred pounds, is explained by respondents as due to the fact that much time was consumed in the assembling of necessary claim papers and correspondence between respondents and complainant in relation thereto. Complainant claims and respondents admit that the charges on said shipments collected as herein described were excessive, and respondents further admit that said reduced joint through rate of 9½ cents per hundred pounds which was made effective May 2, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $1,172.70, the aggregate amount collected upon said shipments, and $538.65, the sum produced by a rate of 9½ cents per hundred pounds upon an aggregate weight of 567,000 pounds, that is to say, $634.05, should be allowed to complainant upon said shipments, it is

Ordered: That complainant, International Paper Company, is entitled to recover from respondents, The Delaware and Hudson Company and The New York Central and Hudson River Railroad Company, the sum of $634.05 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $1,172.70 for transportation of the shipments aforesaid.

[Case No. 2078]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

FRANK CHESEBRO, complainant, *v.* ERIE RAILROAD COMPANY, respondent. — Authority to refund $16.07.

Upon shipments of two carloads of ex-lake corn on May 23 and July 19, 1909, over the Erie railroad from Buffalo to Attica within this State, respond-

ent, Erie Railroad Company, charged and collected for the transportation thereof the sum of $40.18, computed at a rate of 5 cents per hundred pounds upon an aggregate weight of 80,360 pounds. Such charge was assessed in accordance with effective rate on said commodity, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1186, filed with the Commission March 27, 1909. It appears that the transportation charge was borne by respondent. It also appears that previous to April 29, 1909, respondent had in effect on carload shipments of ex-lake corn applying from Buffalo to Attica a rate of 3 cents per hundred pounds, as contained in its freight tariff P. S. C., 2 N. Y., No. 1093, filed with the Commission December 15. 1908, which said last named freight tariff was canceled by respondent's said freight tariff P. S. C., 2 N. Y., No. 1186; that on the date said shipments moved respondent had in effect on carload shipments of said commodity a rate of 3 cents per hundred pounds applying from Buffalo to Rochester, Attica being intermediate thereto, as shown by its said freight tariff P. S. C., 2 N. Y., No. 1186, but said last named rate was inapplicable to the shipments transported as aforesaid. Effective August 2, 1909, respondent reëstablished a rate of 3 cents per hundred pounds on carload shipments of ex-lake corn applying from Buffalo to Attica, as shown by its freight tariff P. S. C., 2 N. Y., No. 1332, filed with the Commission July 2, 1909, and said last named rate is now in effect. Complainant claims and respondent admits that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said reëstablished rate of 3 cents per hundred pounds which was made effective August 2, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $40.18, the amount collected upon said shipments, and $24.11, the sum produced by a rate of 3 cents per hundred pounds upon an aggregate weight of 80,360 pounds, that is to say, $16.07, should be allowed to complainant upon said shipments, it is

Ordered: That complainant, Frank Chesebro, is entitled to recover from respondent, Erie Railroad Company, the sum of $16.07 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $40.18 for transportation of the shipments aforesaid.

[Case No. 2079]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of December, 1910.

Present:

FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

CORRIGAN, MCKINNEY & CO., complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority for adjustment of freight charges.

During the years 1908 and 1909. respondent, The New York Central and Hudson River Railroad Company, transported 3026 carloads of ex-lake iron ore from the West Shore Ore Dock at Buffalo, N. Y., over the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) and the New York Central and Hudson River railroad consigned to the plant of the Genesee Furnace Company (operated by complainants) at Charlotte, N. Y. The aggregate actual weight of said shipments amounted to 250,226,940 pounds, and transportation charges to the amount of $39,098.09 were erroneously collected from complainants for the transportation thereof. The effective rate applicable to said shipments was that of 35 cents per ton of 2240 pounds, carloads, minimum weight to be marked capacity of car, but not less than

twenty tons of 2240 pounds, as contained in the following West Shore railroad freight tariffs, issued in connection with The New York Central and Hudson River Railroad Company, P. S. C., 2 N. Y., No. 867, filed with the Commission March 12, 1908; P. S. C., 2 N. Y., No. 891, filed with the Commission March 31, 1908; P. S. C., 2 N. Y., No. 1425, filed with the Commission March 31, 1909. Respondent states that in loading the cars at said dock the minimum carload weight provision contained in said last named tariffs was disregarded, due to the fact that the transshipment of iron ore from lake vessels to cars at Buffalo is effected by hoisting machinery, and while the hoisting buckets have a capacity of five tons they contain a varying quantity of ore each time: the buckets are mechanically filled in the hold of the vessel and it is therefore impracticable to load the ore in cars so that the quantity will be approximately equal to any specified minimum weight; that numerous cars were not loaded to a weight equal to or in excess of the marked capacity of the cars although in all instances the actual weight was in excess of twenty-five gross tons. It appears that the aggregate weight properly chargeable in accordance with the minimum carload weight provision contained in said last named freight tariffs was that of 256,468,020 pounds, equal to 114.494.642 tons of 2240 pounds, and transportation charges at said rate of 35 cents per ton of 2240 pounds, amounting to $40,073.12, should have been applied thereto. Upon complaint of Corrigan, McKinney & Co., respondent filed application for authority to adjust outstanding transportation charges based upon a rate of 35 cents per ton of 2240 pounds applicable to ex-lake iron ore from said point of shipment to destination, carloads, minimum weight twenty-five tons of 2240 pounds unless marked capacity of the car is less, in which case the minimum weight will be the marked capacity of the car, but in no case less than fifteen tons of 2240 pounds, as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1790, issued in connection with The New York Central and Hudson River Railroad Company, effective October 28, 1909, filed with the Commission September 27, 1909. A hearing in the matter was held in New York city on June 4, 1910. It appears that each of the cars involved in the shipments carried a weight of twenty-five tons of 2240 pounds or in excess thereof, and that an aggregate weight of 250,226,940 pounds meets the requirements of the minimum carload weight provision contained in said West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1790, and said rate of 35 cents per ton of 2240 pounds applied thereto would result in a charge of $39,098.09. It also appears that it was and is the practice of respondent to apply a minimum carload weight provision as contained in said last named tariff to similar shipments of said commodity from said point of shipment to various points other than Charlotte, and that this is also the practice of carriers other than respondent. Therefore upon the papers on file, including amendment of the minimum carload weight provision as contained in said West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1790, respondent's concession that the transportation charge applicable during the period said shipments moved is excessive, and it appearing to the Commission that the relief sought should be granted to complainants, it is

Ordered: That complainants, Corrigan, McKinney & Co., are entitled to have the charges upon said shipments as aforesaid adjusted by respondent, The New York Central and Hudson River Railroad Company, upon the basis of a rate of 35 cents per ton of 2240 pounds minimum carload weight as contained in said West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1790, which respondent admits would be just and reasonable, and which will result in a charge of $39,098.09, instead of on the basis of said rate of 35 cents per ton of 2240 pounds and minimum carload weight provision in effect during the period said shipments moved as herein described.

[Case No. 2080]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

FRICK COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent.

Authority for adjustment of freight charges.

On or about January 23, 1909, respondent, The New York Central and Hudson River Railroad Company, transported over its railroad from Rochester to Attica within this State, one traction engine, of weight 20,100 pounds, on its flat car No. 32532, of floor length forty feet, and erroneously charged and collected from complainant, Frick Company, for the transportation thereof the sum of $14.07, computed at a rate of 7 cents per hundred pounds. The charge properly applicable was $17.50, in accordance with effective fifth-class rate of 7 cents per hundred pounds as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, and rule 27 of official classification No. 35 which was then in force, and which contained a provision to the effect that traffic carried in or on cars over thirty-eight feet six inches and under forty feet six inches in length the minimum weight applicable thereto should be not less than 25,000 pounds. Respondent states correction in billing to the amount of $17.50 was issued, and that a charge to the amount of $3.43 is now outstanding. It appears that an ordinary car, namely thirty-six feet six inches in length, and as to which under said rule 27 a minimum carload weight of 20,000 pounds may be properly applied, was ordered by the shipper of said traction engine, and that said car No. 32532 was placed for loading by respondent's agent without notice to the shipper that if used a higher charge would apply than applicable upon a car not exceeding thirty-six feet six inches in length. Effective April 1, 1910, in supplement No. 4 to official classification No. 35, respondent established an amendment to rule 27 thereof reading as follows: "If a shipper orders a car less than 40 feet 6 inches in length and the carrier is unable to furnish such a car and furnishes a longer car than that ordered but not exceeding 40 feet 6 inches in length the minimum weight shall be that fixed for the car ordered, except that when the loading capacity of the car furnished is used the minimum weight shall be that fixed for the car furnished." Complainant claims and respondent admits that said charge of $17.50 is excessive, and respondent further admits that a charge of $14.07 in accordance with effective rate of 7 cents per hundred pounds and the provisions of said amendment to rule 27 of official classification No. 35 would be just and reasonable as applied to the shipment in question. Therefore upon the papers on file, including correction of rule 27 as aforesaid, respondent's concession that the transportation charge as sought to be applied is excessive, and it appearing to the Commission that the relief sought should be granted to complainant, it is

Ordered: That the complainant, Frick Company, is entitled to have the charge upon said shipment as aforesaid adjusted by respondent, The New York Central and Hudson River Railroad Company, upon the basis of said effective rate of 7 cents per hundred pounds and in accordance with said correction of rule 27 of official classification No. 35, which respondent admits would be reasonable, and which will result in a charge of $14.07 instead of on the basis of said rate of 7 cents per hundred pounds and the provisions of said rule 27 in effect at the time the shipment in question moved.

[Case No. 2081]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

In the Matter of JOHN W. GURNETT, complainant, *v.* LEHIGH VALLEY RAILROAD COMPANY, respondent (C. C. No. 3905).

Whereas, It appears that on or about February 12, 1910, respondent, Lehigh Valley Railroad Company, transported over its railroad from Burdett to Valois within this State four carloads of ice, of aggregate weight 200,000 pounds, and charged and collected from complainant, John W. Gurnett, for the transportation thereof the sum of $80, computed at the effective sixth-class rate of 4 cents per hundred pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. D-1190, filed with the Commission May 26, 1909; and

Whereas, It appears that previous to the movement of said shipments negotiations were entered into with respondent by complainant for the establishment of a reduced rate of 50 cents per ton of 2000 pounds to apply thereto; that a rate of 50 cents per ton of 2000 pounds on ice, carloads, applying from Burdett to Valois was established by respondent in accordance with special permission order of the Commission No. 1384, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. D-1507, filed with the Commission February 14, 1910, effective February 16, 1910, too late for its application to said shipments, and that said last named rate is now in effect; and

Whereas, Upon claim of complainant and admission of respondent it appears that said rate of 4 cents per hundred pounds was excessive, and upon respondent's further admission that said reduced rate of 50 cents per ton of 2000 pounds which was made effective February 16, 1910, would be a just and reasonable charge applied to the shipments in question; and it appearing to the Commission that reparation to the extent of the difference between $80, the amount collected upon said shipments, and $50, the sum produced by a rate of 50 cents per ton of 2000 pounds upon an aggregate weight of 200,000 pounds, that is to say, $30, should be allowed to complainant upon said shipments,

Resolved, That the complainant, John W. Gurnett, is entitled to recover from respondent, Lehigh Valley Railroad Company, the sum of $30 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $80 for transportation of the shipments aforesaid.

Further Resolved, That a copy of this resolution be served upon complainant and respondent in this proceeding.

[Case No. 2082]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

HINCKLEY FIBRE COMPANY, complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, respondent. — Authority to refund $173.58.

Upon two carload shipments of pyrites rock, forwarded respectively on December 2 and 6, 1909, over the New York Central and Hudson River railroad from Natural Bridge via Carthage to Hinckley, within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Hinckley Fibre Company, for the

transportation thereof the sum of $218.38, computed at a combination rate of 14½ cents per 112 pounds upon an aggregate weight of 168,700 pounds. Such charge was assessed in accordance with effective rates on carload shipments of said commodity of 4½ cents per 112 pounds applying from Natural Bridge to Carthage, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6581, filed with the Commission July 29, 1909, and 10 cents per 112 pounds applying from Carthage to Hinckley, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 5751, filed with the Commission April 28, 1909. Respondent states it was advised previous to the forwarding of the two cars in question that the commodity to move was limestone, and placed in effect on one day's notice, in accordance with special permission order of the Commission No. 1312, a rate of 56 cents per ton of 2240 pounds on limestone, carloads, applying from Natural Bridge to Hinckley, as shown by its freight tariff P. S. C., 2 N. Y., No. 7207, effective December 7, 1909, filed with the Commission December 4, 1909; that it subsequently developed the two shipments in question actually consisted of pyrites rock, and in order to take care of similar future shipments respondent, in accordance with special permission order of the Commission No. 1471, established a rate of 56 cents per ton of 2240 pounds on carload shipments of pyrites rock, minimum carload weight forty tons of 2240 pounds, as shown by its freight tariff P. S. C., 2 N. Y., No. 7736, filed with the Commission May 17, 1910, effective May 19, 1910. Complainant claims and respondent admits that the said rate of 14½ cents per 112 pounds was excessive, and respondent further admits that said reduced rate of 56 cents per ton of 2240 pounds, minimum carload weight of forty tons of 2240 pounds, which was made effective May 19, 1910, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $218.38, the amount collected upon said shipments, and $44.80, the sum produced by a rate of 56 cents per ton of 2240 pounds upon an aggregate weight of 168,700 pounds, and in accordance with the minimum carload weight provision contained in respondent's said freight tariff P. S. C., 2 N. Y., No. 7736, that is to say, $173.58, should be allowed to complainant upon said shipments, it is

Ordered: That the complainant, Hinckley Fibre Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $173.58 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $218.38 for transportation of the shipments aforesaid.

APPENDIX I

In the Matter of Changes in Scheduled Tariffs on Short Notice.

APPENDIX I

Section 29 of the Public Service Commissions Law provides that for good cause shown the Commission may allow changes in rates without requiring the thirty days' notice and publication therein provided for, "by duly filing and publishing in such manner as it may direct an order specifying the change so made and the time when it shall take effect; all such changes shall be immediately indicated upon its schedules by the common carrier."

Under this section of the Law, during the fiscal year ended December 31, 1910, the Commission issued special permits for short notice tariffs as follows, the office order No., the date, and the name of the corporation making the application therefor preceding the formal order:

No. 1350; January 3, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of thirty (30) cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand pounds, from Cazenovia, N. Y., to Oran, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1904, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 14, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1350, of date January 3, 1910."

Completed by P. S. C. No. 1904, effective January 7, 1910.

No. 1351; January 4, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel supplement No. 2 to its local freight tariff P. S. C., 2 N. Y., No. 6683, applying on Milk, Buttermilk, Cream, and Pot Cheese, when shipped in milk trains from stations on Mohawk, Adirondack, Ontario, and St. Lawrence divisions as named in tariff, to 130th Street and 33d Street, New York, N. Y., and Yonkers, N. Y., and to reissue the matter contained therein, making no change other than the following: removing Alversons, N. Y., as a shipping point and removing the reference mark referring to carloads only prefixed to the following stations: Marcy, N. Y., Martinsburg, N. Y., Plumbrook, N. Y., and Stroughs, N. Y.; provided that a tariff naming said corrections is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No .6683, and posted at stations at least ten days prior to the effective date specified in such tariff, which effective date shall be January 24, 1910. Such tariff shall bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1351, of date January 4, 1910."

Completed by supplement No. 3 to P. S. C. No. 6683, effective January 24, 1910.

No. 1352; January 5, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish rate of one (1) dollar per ton of two thousand pounds on Logs, carloads, minimum weight as per its freight tariff P. S. C., 2 N. Y., No. 692, from Eagle, N. Y., to Charlotte, N. Y.; also rate of sixty-five (65) cents per ton of two thousand pounds on Stove Wood, carloads, minimum weight as per its freight tariff P. S. C., 2 N. Y., No. 492, from Eagle, N. Y., to Silver Springs, N. Y.; and in connection with the Silver Lake Railway Company, rate of eighty-five (85) cents per ton of two thousand pounds on Heading Bolts, carloads, minimum weight forty thousand pounds, from Eagle, N. Y., to Perry, N. Y.; via Silver Lake Junction, N. Y.; provided that a tariff naming said rates is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 501, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than January 18, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1352, of date January 5, 1910."

Completed by supplement No. 1 to P. S. C. No. 501, effective January 14, 1910.

No. 1353; January 6, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate on Log Loaders, on flat cars, to apply in either direction between Long Lake West, N. Y., and Horseshoe, N. Y., three dollars and fifty cents ($3.50) each, and in either direction between Long Lake West, N. Y., and Tupper Lake Junction, N. Y., ten (10) dollars each; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 7341, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 17, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1353, of date January 6, 1910."

Completed by P. S. C. No. 7341, effective January 12, 1910.

No. 1354; January 6, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifty-five (55) cents per ton of two thousand two hundred forty pounds on Mill Cinder and Scale, carloads, minimum weight as per freight tariff P. S. C., 2 N. Y., No. 5827, from Depew, N. Y., and Lancaster, N. Y., to New York state stations: Charlotte, Barnard, Rochester (Kent Street and Portland Avenue), Brighton, Coldwater, Chili, Churchville, Bergen, West Bergen, Byron, Batavia, Alexander, Attica, West Batavia, Corfu, Crittenden, Wende, Dellwood; and from Lockport, N. Y., to New York state stations: Charlotte, Barnard, Rochester (Kent Street and Portland Avenue), Brighton, South Greece, Spencerport, Adams Basin, Brockport, Holley, Fancher; provided that a tariff naming said rate is filed with the Commission as supplement No. 5 to P. S. C., 2 N. Y., No. 6743, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 17, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1354, of date January 6, 1910."

Completed by supplement No. 5 to P. S. C. No. 6743, effective January 13, 1910.

No. 1355; January 6, 1910; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That the Fonda, Johnstown and Gloversville Railroad Company be and hereby is authorized to establish rates of fare applying to the sale of twenty-four-trip commutation tickets between Gloversville, N. Y., Johnstown, N. Y., and Fonda, N. Y.; also fifty-four-trip commutation tickets and forty-six-trip commutation school tickets on its electric division between the following stations: Gloversville, N. Y., to Fonda, N. Y.; Gloversville, N. Y.; Harrison Street, Gloversville, N. Y.; Fair Grounds, Johnstown, N. Y.; Johnstown, N. Y.; Columbia Park, N. Y.; Sulphur Spring Junction, N. Y.; Moore's Switch, N. Y.; Willow Crossing, N. Y.; Argersinger's Crossing, N. Y.; Christman's Crossing, N. Y.; Plank Road Crossing, N. Y.; Cayadutta Park, N. Y.; and Fonda, N. Y.; the rates of fare so established to in no case constitute an increase in fare over existing rates; provided that a tariff naming said rates of fare is filed with the Commission as supplement No. 3 to electric division tariff P. S. C., 2 N. Y., No. 2, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 17, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1355, of date January 6, 1910."

Completed by supplement No. 3 to P. S. C. No. 2, effective January 15, 1910.

No. 1356; January 7, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar and fifty cents ($1.50) per ton of two thousand pounds on Paving Brick, carloads, minimum weight forty thousand pounds, from Corning, N. Y., to Amsterdam, N. Y; provided that a tariff naming said rate is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 7082, and posted at station at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 18, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1356, of date January 7, 1910."

Completed by supplement No. 1 to P. S. C. No. 7082, effective January 14, 1910.

No. 1357; January 10, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, lessee):

Ordered: That The New York Central and Hudson River Railroad Com-Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of thirty (30) cents per ton of two thousand pounds on Gravel, carloads, minimum weight to be the marked capacity of car, but not less than forty thousand pounds, from Palmyra, N. Y., to East Rochester, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1905, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall not be later than January 21, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1357, of date January 10, 1910."

Completed by P. S. C. No. 1905, effective January 15, 1910.

No. 1358; January 10, 1910; Erie Railroad Company:

Not used; tariff not filed within time limit specified.

No. 1359; January 10, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend its tariff (passenger department) P. S. C., 2 N. Y., No. 441, and in connection with the fares applying to the sale of commutation forty-six-trip monthly tickets at price of $6, and fifty-four-trip monthly tickets at price of $14.60, between Albany, N. Y., and Delanson, N. Y., and provide that such tickets will be valid for passage to or from Albany, N. Y., or Schenectady, N. Y., at option of passenger; provided that a tariff naming said amendment is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 441, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 21, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1359, of date January 10, 1910."

Completed by supplement No. 1 to P. S. C. No. 441, effective January 14, 1910.

No. 1360; January 12, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar and twenty-five cents ($1.25) per cord on Pulpwood, carloads, minimum twelve cords, from Boonville, N. Y., to Hinckley, N. Y., said rate to expire at close of business January 28, 1910, and reference given to tariff P. S. C., 2 N. Y., No. 7304, for future rate; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7361, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 18, 1910. Such tariff shall be so filed and posted within five days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1360, of date January 12, 1910."

Completed by P. S. C. No. 7361, effective January 17, 1910.

No. 1361; January 13, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Boston and Albany railroad (The New York Central and Hudson River Railroad Company, lessee), rate of fourteen (14) cents per one hundred pounds, less carloads; and eleven (11) cents per one hundred pounds, carloads, on Sash Weights, minimum carload weight as per official classification in effect at time of shipment, from Amenia, N. Y., to Carman, N. Y., via Chatham, N. Y., and West Albany, N. Y., transfer; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 7365, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 24, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1361, of date January 13, 1910."

Completed by P. S. C. No. 7365, effective January 17, 1910.

No. 1362; January 13, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of forty (40) cents per ton of two thousand pounds on Ice, carloads, minimum weight as per official classification in

effect at time of shipment, from Lockwood, N. Y., to West Danby, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. D-1484, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 24, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1362, of date January 13, 1910."

Completed by P. S. C. No. D-1484, effective January 17, 1910.

No. 1363; January 14, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Printing and Wrapping Paper, also on Unfinished Blank Wall Paper (in rolls weighing seventy pounds or over per single roll), rate of fifteen (15) cents per one hundred pounds, carloads, minimum weight as per official classification in effect at time of shipment; and twenty-five (25) cents per one hundred pounds, less than carload lots of ten thousand pounds or more; and thirty-three (33) cents per one hundred pounds on less than carloads of less than ten thousand pounds; from Piercefield, N. Y., and Malone, N. Y., to stations on Pennsylvania division as shown in tariff P. S. C., 2 N. Y., No. 5471; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 7363, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than January 27, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1363, of date January 14, 1910."

Completed by P. S. C. No. 7363, effective January 27, 1910.

No. 1364; January 14, 1910; Erie Railroad Company:

Ordered: That The Erie Railroad Company be and is hereby authorized to establish, in connection with the Silver Lake Railway Company, rate of seventy-five (75) cents per ton of two thousand pounds on Ice, carloads, minimum weight as per official classification in effect at time of shipment, from Perry, N. Y., on Silver Lake railway, to Industry (Oatka), N. Y., and West Henrietta, N. Y., via Silver Springs, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1551, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than January 27, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1364, of date January 14, 1910."

Completed by P. S. C. No. 1551, effective January 21, 1910.

No. 1365; January 15, 1910; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight forty thousand pounds, from River Head, N. Y., and Sweezy, N. Y., rate of sixty (60) cents per ton of two thousand pounds to points bearing the following index numbers as shown on pages 4 and 5 of its tariff P. S. C., 2 N. Y., No. 228: Index No. 1; 17 to 22, 27 and 28, 42 to 44, 65 to 75, 95 to 104, 162 to 165, 173 to 176, all inclusive; and rate of seventy (70) cents per ton of two thousand pounds to points bearing the following index numbers as shown in tariff P. S. C., 2 N. Y., No. 228: Index No. 23 to 26, 29 to 31, 109 to 112, 114 and 115, 166 to 172, 177 to 187, all inclusive; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 262,

and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than January 31, 1910. Such tariff shall be so filed and posted within twelve days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1365, of date January 15, 1910."

Completed by P. S. C. No. 262, effective January 31, 1910.

No. 1366; January 18, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 956, of joint class rates applying from points on Delaware, Lackawanna and Western railroad to points on The Delaware and Hudson Company's railroad, making the following corrections therein: to alphabetical list of stations on The Delaware and Hudson Company's railroad as shown on page 10, and to geographical list of stations on The Delaware and Hudson Company's railroad to which rates apply as shown on page 12. add Delano Junction, N. Y., stations No. 130; also change rates in column headed "R-26" applying from Delaware, Lackawanna and Western railroad stations Nos. 545 to 568 inclusive, group No. 43 to The Delaware and Hudson Company's stations Nos. 86 to 99 inclusive, and 101 to 124 inclusive as shown on page 28, to read twenty-two (22) cents per one hundred pounds; provided that a tariff naming said rate is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 956, and posted at stations at least ten days prior to the effective date specified in such tariff, which effective date shall be January 31, 1910. Such tariff shall be so filed and posted and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1366, of date January 18, 1910."

Completed by supplement No. 1 to P. S. C. No. 956, effective January 31, 1910.

No. 1367; January 18, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel supplement No. 4 to its freight tariff P. S. C., 2 N. Y., No. 6195, of joint class rates applying from stations on the Hudson, Mohawk, Western, Rochester, Buffalo, Ontario, St. Lawrence, Harlem, and Putnam divisions of the New York Central and Hudson River railroad to New York state stations on the Buffalo, Rochester and Pittsburgh and Silver Lake railways, and to reissue the matter contained therein, making no change other than the following: correct title page of tariff to read: "Governed, except as otherwise provided herein, by the official classification P. S. C., 2 N. Y., O. C. No. 35 (issued by F. S. Holbrook, agent), supplements thereto and reissues thereof; and by exceptions to said classification P. S. C., 2 N. Y., No. 7070, supplements thereto and reissues thereof"; also to correct route table as shown on page 18 of tariff, adding the following as an exception thereto: from stations on New York Central and Hudson River railroad taking index Nos. 1 to 83 inclusive; No. 119; Nos. 324 to 329 inclusive; and 368 to 370 inclusive, to stations on Buffalo, Rochester and Pittsburgh railway and Silver lake railway taking route group Nos. 1 and 3 as named on pages 11 and 12; also from New York Central and Hudson River railroad stations taking index Nos. 330 to 367 inclusive, and 371 to 390 inclusive, to stations on Buffalo, Rochester and Pittsburgh railway and Silver lake railway taking route group No. 1, less carload shipments will be routed via Rochester, N. Y., and carload shipments via Maplewood, N. Y.; provided that a tariff naming said corrections is filed with the Commission as supplement No. 5 to P. S. C., 2 N. Y., No. 6195, and posted at stations at least ten days prior to the effective date specified in such tariff, which effective date shall be February 15, 1910.

Such tariff shall be so filed and posted and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1367, of date January 18, 1910."

Completed by supplement No. 5 to P. S. C. No. 6195, effective February 15, 1910.

No. 1368; January 19, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate on Fresh Milk of twelve (12) cents per can of forty quarts from Richford, N. Y., to Newark Valley, N. Y., when for bottling and re-shipping; provided that tariffs naming said rates are filed with the Commission as supplement No. 1 to freight tariff P. S. C., 2 N. Y., No. D–1358, and supplement No. 1 to passenger tariff P. S. C., 2 N. Y., No. 298, and posted at stations at least one day prior to the effective date specified in such tariffs, which effective date shall be not later than January 30, 1910. Such tariffs shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1368, of date January 19, 1910."

Completed by supplement No. 1 to P. S. C. No. D-1358 and supplement No. 1 to P. S. C. No. 298, effective January 25, 1910.

No. 1369; January 19, 1910; The New York, Chicago and St. Louis Railroad Company:

Ordered: That The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 239, applying on Grain and Grain Products, carloads, from The New York, Chicago and St. Louis Railroad Company's stations, Chicago, Ill., to Angola, N. Y., inclusive, to Buffalo, N. Y., and other eastern cities, making no change other than the following: change in notes 3, 4, and subnote (A) of note 6, as shown on page 6 of tariff, the reference made therein to page 7, to read: "page 5"; provided that a tariff naming said change is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 239, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be February 1, 1910. Such tariff shall bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1369, of date January 19, 1910."

Completed by supplement No. 1 to P. S. C. No. 239, effective February 1, 1910.

No. 1370; January 20, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish, in connection with the Silver Lake Railway Company, rate of eighty-five (85) cents per ton of two thousand pounds on Stove Wood, carloads, minimum weight forty thousand pounds, from Eagle, N. Y., to Perry, N. Y., via Silver Lake Junction, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No. 501, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than February 2, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1370, of date January 20, 1910."

Completed by supplement No. 3 to P. S. C. No. 501, effective January 25, 1910.

No. 1371; January 21, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 1906, applying on Wet Beet Pulp from Lyons, N. Y., to New York state stations on the Boston and Maine railroad via Rotterdam Junction, N. Y., making no change therein other than to correct title page to provide for application of rates on Wet Beet Pulp in carloads, minimum weight forty thousand pounds; provided that a tariff naming said amendment is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 1906, and posted at stations at least ten days prior to the effective date specified in such tariff, which effective date shall be February 12, 1910. Such tariff shall be so filed and posted and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1371, of date January 21, 1910."

Completed by supplement No. 1 to P. S. C. No. 1906, effective February 12, 1910.

No. 1372; January 22, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. 1688, and establish rate of ten (10) cents per one hundred pounds on Cotton Piece Goods and Corduroys in bales or cases, in any quantity, from New York Mills, N. Y., to Belle Isle, N. Y.; also rate of fourteen and one-half (14½) cents per one hundred pounds to Cambria, N. Y.; provided that a tariff naming said rates is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No. 1688, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than February 4, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1372, of date January 22, 1910."

Completed by supplement No. 3 to P. S. C. No. 1688, effective February 3, 1910.

No. 1373; January 22, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of ten (10) cents per one hundred pounds on Cotton Yarn in bales or cases, in any quantity, from New York Mills, N. Y., to Belle Isle, N. Y.; also rate of fourteen and one-half (14½) cents per one hundred pounds to Cambria, N. Y.; provided that a tariff naming said rates is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No. 1687, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than February 4, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1373, of date January 22, 1910."

Completed by supplement No. 3 to P. S. C. No. 1687, effective February 3, 1910.

No. 1374; January 22, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish rate, in connection with The New

York Central and Hudson River Railroad Company, of one dollar and fifty cents ($1.50) per ton of two thousand pounds on Logs, carloads, minimum weight twenty-five tons of two thousand pounds each, from Bliss, N. Y., Eagle, N. Y., and Farmersville, N. Y., to Webster, N. Y., via Charlotte, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 7 to P. S. C., 2 N. Y., No. 263, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than February 4, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1374, of date January 22, 1910."

Completed by supplement No. 7 to P. S. C. No. 263, effective January 29, 1910.

No. 1375; January 24, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend its joint tariff of class rates P. S. C., 2 N. Y., No. 2255, applying from stations on The Delaware and Hudson Company's railroad to stations on the Delaware, Lackawanna and Western railroad, making no change therein other than the following: on page 18, under heading S. B. & N. Y. R. R., change index No. 841, station Lakeside, N. Y., to read index No. 747, Chenango Bridge, N. Y.; provided that a tariff naming said amendment is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 2255, and posted at stations at least ten days prior to the effective date specified in such tariff, which effective date shall be February 10, 1910. Such tariff shall bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1375, of date January 24, 1910."

Completed by supplement No. 1 to P. S. C. No. 2255, effective February 10, 1910.

No. 1376; January 25, 1910; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to establish rate of three (3) dollars per car applying as a switching charge on carload freight for movement between any two deliveries at Long Beach, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 264, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than February 7, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1376, of date January 25, 1910."

Completed by P. S. C. No. 264, effective February 1, 1910.

No. 1376; January 28, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than forty thousand pounds, the rates in cents per ton of two thousand pounds, from Penn Yan, N. Y., to New York Central and Hudson River railroad stations in New York state as follows: Barnes, 55; Bilsboro, 45; Corning, 55; Dresden, 40; Dundee, 50; Earl, 45; Himrods, 50; Junius, 55; Lindley, 80; Lyons, 55; Presho, 80; Reading Center, 55; Seneca Falls, 55; Waterloo, 55; Watkins, 55; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 7402, which tariff shall be issued to expire with the close of business February 11, 1910, making reference for future rates to tariff P. S. C., 2 N. Y., No. 7360, and

posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than February 8, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1376, of date January 28, 1910."

Completed by P. S. C. No. 7402, effective February 1, 1910.

No. 1377; January 28, 1910; Little Falls and Dolgeville Railroad Company:

Ordered: That the Little Falls and Dolgeville Railroad Company be and is hereby authorized to establish rate of three (3) cents per one hundred pounds on Bark, carloads, minimum weight as per official classification in effect at time of shipment, from Salisbury Center, N. Y., and Dolgeville, N. Y., to Little Falls, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 131, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than February 8, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1377, of date January 28, 1910."

Completed by P. S. C. No. 131, effective January 31, 1910.

No. 1378; January 29, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight fifty thousand pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand pounds, from Penn Yan, N. Y., to Moreland, N. Y., and Beaver Dams, N. Y., rate of fifty-five (55) cents per ton of two thousand pounds, and to Rochester, N. Y., rate of sixty (60) cents per ton of two thousand pounds; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 7403, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than February 9, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1378, of date January 29, 1910."

Completed by P. S. C. No. 7403, effective February 3, 1910.

No. 1379; February 3, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of fifty (50) cents per ton of two thousand pounds applying on Ice, carloads, minimum weight twenty-five tons of two thousand pounds each unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the minimum carload weight be less than twenty tons of two thousand pounds each, from North Bay, N. Y., to Munns, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1553, to expire with the close of business February 27, 1910, giving reference therein for future rates to tariff P. S. C., 2 N. Y., No. 1552, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than February 14, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1379, of date February 3, 1910."

Completed by P. S. C. No. 1553, effective February 6, 1910.

No. 1380; February 4, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish rate of thirty (30) cents per ton of two thousand pounds on Ice, carloads, minimum weight as per official classification in effect at time of shipment, from Lakeville, N. Y., to Industry, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 1527, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than February 15, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1380, of date February 4, 1910."

Completed by supplement No. 1 to P. S. C. No. 1527, effective February 7, 1910.

No. 1381; February 7, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight as per official classification in effect at time of shipment, the rates in cents per ton of two thousand pounds, from Griswolds, N. Y., to New York state stations as follows: Batavia, Buffalo, Depew, Lancaster, Rock Glen, Silver Springs, and Warsaw, 40; Alden, Alexander, Attica, Darien, Linden, Marilla, and Town Line, 35; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1552, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than February 20, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1381, of date February 7, 1910."

Completed by P. S. C. No. 1552, effective February 12, 1910.

No. 1382; February 9, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of twenty-four (24) cents per one hundred pounds on Horses, carloads, minimum weight as per official classification in effect at time of shipment, from Tupper Lake Junction, N. Y., to Holland Patent, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7417, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than February 20, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1382, of date February 9, 1910."

Completed by P. S. C. No. 7417, effective February 12, 1910.

No. 1383; February 10, 1910; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to amend its local freight tariff P. S. C., 2 N. Y., No. 262, correcting typographical error on page 4 in rate applying from New York State stations Blissville Docks, Bushwick, East New York, Flatbush Avenue, and Long Island City, to Greenport, N. Y., changing same to read one (1) dollar instead of forty (40) cents per two thousand pounds; provided that a tariff naming said correction is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 262, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than February 21, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear

the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1383, of date February 10, 1910."

Completed by supplement No. 1 to P. S. C. No. 262, effective February 21, 1910.

No. 1384; February 11, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of fifty (50) cents per ton of two thousand pounds on Ice, in carloads, minimum weight as per official classification in effect at time of shipment, from Burdett, N. Y., to Valois, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. D-1507, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than February 22, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1384, of date February 11, 1910."

Completed by P. S. C. No. D-1507, effective February 16, 1910.

No. 1385; February 11, 1910; Receiver, Buffalo, Lockport and Rochester Railway:

Ordered: That the Receiver of the Buffalo, Lockport and Rochester Railway be and is hereby authorized to amend local passenger tariff P. S. C., 2 N. Y., No. 1, as follows: title page to read: "Buffalo, Lockport and Rochester Railway in connection with participating carriers shown on page 2 as amended." "Local and joint tariff of passenger fares." "Applying between New York state points as shown within as amended." Page 2: Add under heading Participating Carriers "International Railway Company (P3 No.—), Auburn and Syracuse Electric Railroad Company (P3 No.—), Cortland County Traction Company (P3 No.—), Elmira and Seneca Lake Traction Company (P3 No.—), Fonda, Johnstown and Gloversville Railroad Company (P3 No.—), New York State Railways: Rochester and Eastern Rapid Railway Company (P3 No.—), The Rochester and Sodus Bay Railway Company (P3 No.—), Oneida Railway Company (P3 No.—), Rochester, Syracuse and Eastern Railroad Company (P3 No.—), Syracuse, Lake Shore and Northern Railroad Company (P3 No.—), Syracuse and South Bay Electric Railroad Company (P3 No.—), Utica and Mohawk Valley Railway Company (P3 No.—)." Page 4, under heading Location of Agencies, add "Adams Basin, N. Y., Hulberton, N. Y., Knowlesville, N. Y., and Gasport, N. Y." Page 4, under heading Duplex Tickets, eliminate from fourth line "thirty days" and substitute therefor "three months". Pages 5, 6, and 7, add prefix (*) to stations Adams Basin, Hulberton, Knowlesville, and Gasport. Page 9, under heading School Commutation Ticket Fares, eliminate from first line of first paragraph the words "under eighteen years of age". Page 11, change last line of first paragraph to read: "at following rate: for books of 300 miles, $5; for books of 500 miles, $8.35; for books of 1000 miles, $16.66." Change condition 10 of mileage book contract to read: "When miles number 300, 500, or 1000 is used, the cover shall be surrendered to conductor." Page 12, add regulations governing sale and use of interchangeable coupon ticket books, which books are to contain transportation of face value $12 and to be sold at price of $10; provided that a tariff naming said changes is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 1, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than February 22, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1385, of date February 11, 1910."

Completed by supplement No. 2 to P. S. C. No. 1, effective February 22, 1910.

No. 1386; February 14, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of ten (10) cents per one hundred pounds on Lime, carloads, minimum weight forty thousand pounds, from Natural Bridge, N. Y., to Constable, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 5 to P. S. C., 2 N. Y., No. 6409, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than February 25, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1386, of date February 14, 1910."

Completed by supplement No. 5 to P. S. C. No. 6409, effective February 21, 1910.

No. 1387; February 15, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of forty (40) cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand pounds, from Remsen, N. Y., to Stittville, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7437, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than February 26, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1387, of date February 15, 1910."

Completed by P. S. C. No. 7437, effective February 21, 1910.

No. 1388; February 21, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That The West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of forty (40) cents per ton of two thousand pounds on Brick, carloads, minimum weight as per official classification in effect at time of shipment, from Newburgh, N. Y., to Cornwall, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1942, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than March 4, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1388, of date February 21, 1910."

Completed by P. S. C. No. 1942, effective February 26, 1910.

No. 1389; March 1, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of ninety (90) cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand pounds, from Furniss, N. Y., to Stittville, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 6356, and posted at stations

at least one day prior to the effective date specified in such schedule, which effective date shall be not later than March 12, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1389, of date March 1, 1910."

Completed by supplement No. 1 to P. S. C. No. 6356, effective March 5, 1910.

No. 1390; March 1, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of three (3) cents per one hundred pounds on Carpets and Rugs, in straight or mixed carloads, minimum weight twenty thousand pounds, from Nepperhan, N. Y., to 60th Street, New York, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7488, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than March 12, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1390, of date March 1, 1910."

Completed by P. S. C. No. 7488, effective March 4, 1910.

No. 1391; March 4, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel its tariff P. S. C., 2 N. Y., No. 414, of local round-trip, ten-trip, and twelve-trip fares applying to the sale of tickets between stations on the main line and branches, and to issue to the public and Commission on five days' notice, tariff P. S. C., 2 N. Y., No. 493, to take effect March 15, 1910, containing new revised fares, which in no case are to exceed the fares so to be superseded, nor to be in excess of double the one-way single-trip ticket fare now in effect; also to provide fares applying to the sale of round-trip tickets between Buffalo, N. Y., and Depew, N. Y., at twenty-five (25) cents each, and for the sale of round-trip tickets between all stations on the Hudson division, New York, N. Y., to Troy, N. Y., inclusive, on basis of two (2) cents per mile in each direction, adding when necessary a sufficient amount to make fares end in naught or five, with a minimum round-trip fare between any two points of ten (10) cents. Such tariff shall bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1391, of date March 4, 1910."

Completed by P. S. C. No. 493, effective March 15, 1910.

No. 1392; March 4, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to cancel its tariffs P. S. C., 2 N. Y., Nos. 38 and 39, containing local round-trip fares applying respectively to the sale of tickets between New York state stations on River division and Chenango branch, and to issue to the public and the Commission on five days' notice, tariff P. S. C., 2 N. Y., No. 211, to take effect March 15, 1910, containing new revised fares, which in no case are to exceed the fares so to be superseded, nor to be in excess of double the one-way single-trip ticket fare now in effect. In case any fare or fares contained in such tariff are on a basis higher than the existing fare or fares, then thirty days' notice must be given as to such change in such fare or fares. Such tariff shall bear the following notation: "Issued on five days' notice to the public and Commission under special permission of

the Public Service Commission, Second District, State of New York, No. 1392, of date March 4, 1910, except as noted in individual items."

Completed by P. S. C. No. 211, effective March 15, 1910, and April 10, 1910.

No. 1393; March 8, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of fifty cents per ton of two thousand pounds on Ice in carloads, minimum weight twenty-five tons of two thousand pounds each unless the marked capacity of the car is less, in which case the marked capacity of car will govern, but in no case will the minimum weight be less than twenty tons of two thousand pounds each, from North Bay, N. Y., to Valley Mills, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1569, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than March 19, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1393, of date March 8, 1910."

Completed by P. S. C. No. 1569, effective March 11, 1910.

No. 1394; March 8, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its local freight tariff P. S. C., 2 N. Y., No. 5651, adding on page 4 to alphabetical list of stations to which rates apply, index No. 43-A, Coldwater, N. Y.; adding to page 5 in geographical list of stations to which rates apply, index No. 43-A, Coldwater, N. Y.; adding to pages 7 and 8, articles on which rates apply, Garbage Grease, carloads, thirteen cents per one hundred pounds, to points shown on pages 5 and 6 as taking index No. 128; also Marble Chips, carloads (applies from 60th and 130th Streets, New York city), rates in cents per one hundred pounds, 10, to points shown on pages 5 and 6 taking index Nos. 8 to 168 inclusive; and to change pages 4 and 5, alphabetical and geographical lists of stations to which rates apply, index No. 10, Frankfort, N. Y., to read index No. 10, North Frankfort, N. Y.; provided that a tariff naming said amendments is filed with the Commission as supplement No. 7 to P. S. C., 2 N. Y., No. 5651, and posted at stations at least fifteen days prior to the effective date of such tariff, which effective date shall be April 1, 1910. Such tariff shall bear the following notation: "Issued on fifteen days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1394, of date March 8, 1910."

Completed by supplement No. 7 to P. S. C. No. 5651, effective April 1, 1910.

No. 1395; March 9, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on five days' notice to the public and the Commission, its joint and proportional freight tariff P. S. C., 2 N. Y., No. 2314, of rates applying in connection with Murray's Line under concurrence form F4 No. 2, to carload and less carload shipments of various commodities from points reached by Murray's Line to points on The Delaware and Hudson Company's railroad via Troy, N. Y., which rates are to be reductions from effective rates and as set forth in the application. Such tariff shall be filed within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1395, of date March 9, 1910."

Completed by P. S. C. No. 2314, effective March 23, 1910.

No. 1396; March 9, 1910; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to cancel its local freight tariff P. S. C., 2 N. Y., No. 175, and reissue the rates contained therein in its local freight tariff P. S. C., 2 N. Y., No. 194, applying to the carload shipment of Logs (hard and soft wood), on one day's notice to the public and Commission, making no change therein other than to reduce the rate from two dollars per thousand feet to one dollar and seventy-five cents per thousand feet, from Santa Clara, N. Y., and Spring Cove, N. Y., to Tupper Lake Junction, N. Y., and Tupper Lake, N. Y. Such tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1396, of date March 9, 1910."

Completed by P. S. C. No. 194, effective March 12, 1910.

No. 1397; March 10, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand pounds, the rates in cents per ton of two thousand pounds, from Cape Vincent, N. Y., to New York state stations as follows: Orleans Corners and Glenfield, 55; Lyons Falls, 60; Carthage, 50; provided that a tariff naming said rates is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 6356, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than March 21, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1397, of date March 10, 1910."

Completed by supplement No. 2 to P. S. C. No. 6356, effective March 14, 1910.

No. 1398; March 10, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue on one day's notice to the public and Commission its local freight tariff P. S. C., 2 N. Y., No. 7507, applying to the carload shipment of Logs, weight not to exceed marked capacity of car, and providing a rate of six dollars per car from Long Lake West, N. Y., to Owl's Head, N. Y. Such tariff to expire at close of business April 4, 1910, and to show reference for future rate to local freight tariff P. S. C., 2 N. Y., No. 7489. Such tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1398, of date March 10, 1910."

Completed by P. S. C. No. 7507, effective March 14, 1910.

No. 1399; March 10, 1910; Buffalo Southern Railway Company:

Ordered: That the Buffalo Southern Railway Company be and is hereby authorized to amend by supplement No. 1, on ten days' notice to the public and Commission, its local passenger tariff P. S. C., 2 N. Y., No. 1, providing therein for the sale of sixty-trip commutation tickets, Hamburg, N. Y., and Orchard Park, N. Y., to City Line, Seneca Street, N. Y., at rate of three dollars and fifty cents; also forty-six-trip school tickets, Hamburg, N. Y., and Orchard Park, N. Y., to City Line, Seneca Street, N. Y., at rate of three dollars. Such tariff shall be filed and posted within ten days from the

date of this order and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1399, of date March 10, 1910."

Completed by supplement No. 1 to P. S. C. No. 1, effective April 1, 1910.

No. 1400; March 11, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue its freight tariff P. S. C., 2 N. Y., No. 7509, on one day's notice to the public and Commission, applying to the shipment of Common Building Brick and Building Blocks (Cement or Concrete), carloads, minimum weight as per official classification in effect at time of shipment, providing rate of one dollar and eighty cents per ton of two thousand pounds from Schenectady, N. Y., to White Plains, N. Y., via West Albany transfer, Boston and Albany railroad, and Chatham, N. Y. Such tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1400, of date March 11, 1910."

Completed by P. S. C. No. 7509, effective March 16, 1910.

No. 1401; March 11, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue its freight tariff P. S. C., 2 N. Y., No. 2318, on one day's notice to the public and Commission, applying to the shipment of Ice, carloads, minimum weight as per official classification in effect at time of shipment, providing rate of sixty cents per ton of two thousand pounds from Lyon Mountain, N. Y. (to apply on shipments loaded at Chazy Lake), to Plattsburgh, N. Y. (to apply on shipments destined to Bluff Point, N. Y.). Such tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1401, of date March 11, 1910."

Completed by P. S. C. No. 2318, effective March 12, 1910.

No. 1402; March 16, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue its tariff P. S. C., 2 N. Y., No. 7521, on one day's notice to the public and Commission, establishing rate of six cents per one hundred pounds to apply on Pulp, Sulphite and Wood, also Screenings, Woodpulp, in carloads, minimum weight forty thousand pounds, from Niagara Falls, N. Y., to Martisco, N. Y. Such tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1402, of date March 16, 1910."

Completed by P. S. C. No. 7521, effective March 18, 1910.

No. 1403; March 15, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue its local freight tariff P. S. C., 2 N. Y., No. 7515, on one day's notice to the public and Commission, establishing a rate of one dollar and twenty-five cents per ton of two thousand two hundred and forty pounds to apply on carload shipments of Old Rails, minimum weight as per official classification in effect at time of shipment, from Croton Falls, N. Y., to Elmsford, N. Y. Such tariff shall be filed and posted within ten days from the date of this order and bear the following

notation: "Issued on one day's notice to the Public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1403, of date March 15, 1910."

Completed by P. S. C. No. 7515, effective March 21, 1910.

No. 1404; March 16, 1910; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to issue a tariff to be filed under proper P. S. C. number, on two days' notice to the public and Commission, establishing a rate of one dollar and twenty-five cents per cubic cord applying to the shipment of Wood Pulp, in carloads, minimum twelve cubic cords per car, from Downey, N. Y., Derrick, N. Y., and Kildare, N. Y., to Tupper Lake, N. Y., and Tupper Lake Junction, N. Y. Such tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on two days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1404, of date March 16, 1910."

Completed by P. S. C. No. 198, effective March 21, 1910.

No. 1405; March 16, 1910; Greenwich and Johnsonville Railway Company:

Ordered: That the Greenwich and Johnsonville Railway Company be and is hereby authorized to issue its local proportional freight tariff P. S. C., 2 N. Y., No. 247, on one day's notice to the public and Commission, establishing a rate of forty cents per ton of two thousand two hundred forty pounds applying on shipments of Anthracite Coal, carloads, minimum weight forty thousand pounds, from Thomson, N. Y., to Johnsonville, N. Y., to apply only on shipments destined to points beyond on The Delaware and Hudson Company's railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1405, of date March 16, 1910."

Completed by P. S. C. No. 247, effective March 24, 1910.

No. 1406; March 18, 1910; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to cancel its local passenger tariff P. S. C., 2 N. Y., No. 133, by a superseding issue, P. S. C., 2 N. Y., No. 138, on three days' notice to the public and Commission, establishing a rate and regulation applying to extension of run of train No. 20 from Amagansett, N. Y., to Montauk, N. Y. Said rate and regulation not to exceed that now in force and applying to the extension of run of train No. 22. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1406, of date March 18, 1910."

Completed by P. S. C. No. 138, effective April 1, 1910.

No. 1407; March 19, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue supplement No. 3 to its freight tariff P. S. C., 2 N. Y., No. 6356, on one day's notice to the public and Commission, establishing rates on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand pounds, from Cape Vincent, N. Y., to Theresa, N. Y., of fifty cents per ton of two thousand pounds, and to Lowville, N. Y., fifty-five cents per ton of two thousand pounds. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under

special permission of the Public Service Commission, Second District, State of New York, No. 1407, of date March 19, 1910."

Completed by supplement No. 3 to P. S. C. No. 6356, effective March 21, 1910.

No. 1408; March 19, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to issue a schedule as supplement No. 15 to its local freight tariff P. S. C., 2 N. Y., No. 639, and supplement No. 2 to its freight tariff P. S. C., 2 N. Y., No. 1013, on one day's notice to the public and Commission, establishing rate on Ice, carloads, minimum weight as per official classification and the company's exceptions to said classification in effect at time of shipment, from Richfield Springs, N. Y., to West Winfield, N. Y., of thirty-five cents per ton of two thousand pounds. In the issuance of said schedule the requirement of the tariff regulations with respect to bringing forward and showing therein the effective changes as now shown in effective supplement to P. S. C., 2 N. Y., No. 639, is waived, and the effective date of the supplement as to P. S. C., 2 N. Y., No. 1013, shall be April 11, 1910. Said tariff shall be filed and posted within fifteen days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1408, of date March 19, 1910."

Completed by supplement No. 15 to P. S. C. No. 639, effective March 22, 1910, and supplement No. 2 to P. S. C. No. 1013, effective April 11, 1910.

No. 1409; March 22, 1910; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to issue its local freight tariff P. S. C., 2 N. Y., No. 269, on three days' notice to the public and Commission, canceling its local freight tariff P. S. C., 2 N. Y., No. 162, and reissuing the rates contained therein together with a rate of thirty cents per ton of two thousand pounds to apply on Earth, Gravel, and Sand, carloads, minimum weight fifty thousand pounds, from Laurelton, N. Y., to Long Beach, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1409, of date March 22, 1910."

Completed by P. S. C. No. 269, effective March 29, 1910.

No. 1410; March 22, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue its joint freight tariff P. S. C., 2 N. Y., No. 7552, on one day's notice to the public and Commission, establishing a joint rate of one dollar and ten cents per ton of two thousand pounds, in connection with the Central New England Railway Company, via Fishkill Landing, N. Y., applying to the shipment of Manure, carloads, minimum weight fifty thousand pounds, from New York (33rd Street), N. Y., to Hospital Station, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1410, of date March 22, 1910."

Completed by P. S. C. No. 7552, effective March 26, 1910.

No. 1411; March 22, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue its joint freight tariff P. S. C., 2 N. Y., No. 7551, on one day's notice to the public and Commission, estab-

lishing a joint rate of one dollar and five cents per ton of two thousand pounds, in connection with the Lima-Honeoye Electric Light and Railroad Company, to apply on Lumber, carloads, minimum weight as per official classification in effect at time of shipment, from Lima, N. Y., to Shortsville, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1411, of date March 22, 1910."

Completed by P. S. C. No. 7551, effective March 26, 1910.

No. 1412; March 22, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue its local freight tariff P. S. C., 2 N. Y., No. 1967, on one day's notice to the public and Commission, establishing a rate of eighty cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand pounds, from Fayetteville, N. Y., to Utica, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1412, of date March 22, 1910."

Completed by P. S. C. No. 1967, effective March 26, 1910.

No. 1413; March 23, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend its joint and proportional tariff of class rates P. S. C., 2 N. Y., No. 2279, in connection with the Empire Barge Line, by the issuance of supplement No. 1 thereto, on one day's notice to the public and Commission, making the following changes: Correcting title-page to read: Barge service between Albany, N. Y., or Troy, N. Y., and New York, N. Y., route via Albany, N. Y., or Troy, N. Y., which in effect will establish the rates to apply between points of origin and destination contained therein over route via Albany, N. Y., or Troy, N. Y. Such tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1413, of date March 23, 1910."

Completed by supplement No. 1 to P. S. C. No. 2279, effective April 2, 1910.

No. 1414; March 23, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend its joint and proportional commodity tariff P. S. C., 2 N. Y., No. 2284, in connection with the Empire Barge Line, by the issuance of supplement No. 1 thereto, on one day's notice to the public and Commission, making the following changes: Amending title page to show route via Albany, N. Y., or Troy, N. Y., and Empire Barge Line, which in effect will establish the rates to apply between points of origin and destination contained therein over route via Albany, N. Y., or Troy, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1414, of date March 23, 1910."

Completed by supplement No. 1 to P. S. C. No. 2284, effective April 2, 1910.

No. 1415; March 25, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue its joint commodity tariff P. S. C., 2 N. Y., No. 2328, in

connection with The New York Central and Hudson River Railroad Company, on one day's notice to the public and Commission, establishing a rate of two dollars and twenty-five cents per ton of two thousand pounds on Lime, carloads, minimum weight forty thousand pounds, from Glens Falls, N. Y., and Smiths Basin, N. Y., to stations on the New York Central and Hudson River railroad via Schenectady, N. Y., specified in joint class-rate tariff P. S. C., 2 N. Y., No. 2259, as follows: Belle Isle, N. Y., index No. 27–A, to East Buffalo Stock Yards, N. Y., index No. 132, inclusive; Black Rock, N. Y., index No. 134, to LaSalle, N. Y., index No. 136, inclusive; Suspension Bridge, N. Y., index No. 139, and Lewiston, N. Y., index No. 140. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1415, of date March 25, 1910."

Completed by P. S. C. No. 2338 (in lieu of P. S. C. No. 2328 rejected), effective April 4, 1910.

No. 1416; March 26, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to issue its joint freight tariff P. S. C., 2 N. Y., No. D–1544, in connection with The New York Central and Hudson River Railroad Company, on one day's notice to the public and Commission, establishing a rate of one dollar per ton of two thousand pounds on Sand, carloads, minimum weight as per official classification in effect at time of shipment, from Sylvan Beach, N. Y., to Seneca Falls, N. Y., via Canastota, N. Y. Such tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1416, of date March 26, 1910."

Completed by P. S. C. No. D–1544, effective April 1, 1910.

No. 1417; March 28, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue its joint freight tariff P. S. C., 2 N. Y., No. 1972, in connection with The Delaware, Lackawanna and Western Railroad Company, on one day's notice to the public and Commission, establishing a rate of one dollar and twenty cents per ton of two thousand two hundred forty pounds on Fluxing Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but in no case to be less than twenty-four tons of two thousand two hundred forty pounds each, from Clarence, N. Y., to Cortland, N. Y., via Syracuse, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1417, of date March 28, 1910."

Completed by P. S. C. No. 1972, effective March 30, 1910.

No. 1418; March 28, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to issue supplement No. 16, canceling supplement No. 15, to its joint tariff P. S. C., 2 N. Y., No. 133, in connection with The Pennsylvania Railroad Company, on five days' notice to the public and Commission, reissuing the matter contained in supplement No. 15, and adding thereto reference to tariff P. S. C., 2 N. Y., No. 1011, for future rates to points on the Pennsylvania railroad system. Said supplement shall be filed and posted to take effect April 15, 1910, and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1418, of date March 28, 1910."

Completed by supplement No. 16 to P. S. C. No. 133, effective April 15, 1910.

No. 1419; March 28, 1910; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to issue local freight tariff P. S. C., 2 N. Y., No. 199, on one day's notice to the public and Commission, establishing from and to New York state stations the rates on commodities as follows: on Wood, consisting of Log Butts, Corner Wood, Slabs, and Cord Wood, carloads, minimum twelve cubic cords per car, one dollar per cubic cord, exclusive of The New York Central and Hudson River Railroad Company's switching at Tupper Lake and Tupper Lake Junction, from Bay Pond, Dickinson Center, Derrick, Meno, St. Regis Falls, Santa Clara, and Spring Cove to Tupper Lake and Tupper Lake Junction; also from Tupper Lake and Tupper Lake Junction to Bay Pond, Derrick, Dickinson Center, Helena, Ironton, Meno, Moira, Nyando, St. Regis Falls, Santa Clara, and Spring Cove; from Meno, St. Regis Falls, and Santa Clara to Helena, Moira, and Nyando; also rate of ninety cents per cubic cord from Dickinson Center to Helena and Nyando; and seventy-five cents per cubic cord from Dickinson Center to Moira; and eighty-five cents per cubic cord from Ironton and Moira to Helena and Nyando; also on Wood, consisting of Listings and Goose Necks, carloads, minimum twenty lineal cords per car, rate of forty cents per lineal cord from St. Regis Falls and Santa Clara to Bay Pond, Derrick, Meno, Spring Cove, Tupper Lake, and Dickinson Center; also from Tupper Lake and Tupper Lake Junction to Bay Pond, Derrick, Meno, St. Regis Falls, and Santa Clara; and fifty cents per lineal cord from St. Regis Falls and Santa Clara to Helena, Ironton, Moira, and Nyando; and eighteen cents per lineal cord from Tupper Lake Junction to Tupper Lake. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1419, of date March 28, 1910."

Completed by P. S. C. No. 199, effective March 31, 1910.

No. 1420; April 4, 1910; Binghamton Railway Company:

Ordered: That the Binghamton Railway Company be and is hereby authorized to issue its local passenger tariff P. S. C., 2 N. Y., No. 3, on one day's notice to the public and Commission, establishing therein a fare of fifteen cents for a round-trip ticket good only for continuous ride each way between the villages of Union, N. Y., or Endicott, N. Y., and any part of the village of Lestershire, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1420, of date April 4, 1910."

Completed by P. S. C. No. 3, effective April 14, 1910.

No. 1421; April 5, 1910; Buffalo, Lockport and Rochester Railway Company:

Ordered: That the Buffalo, Lockport and Rochester Railway Company be and is hereby authorized to issue its local and joint passenger tariff P. S. C., 2 N. Y., No. 48, in connection with International Railway, Rochester and Eastern Rapid Railway, The Rochester and Sodus Bay Railway, Fonda, Johnstown and Gloversville Railroad, Utica and Mohawk Valley Railway, Elmira and Seneca Lake Traction, Auburn and Syracuse Electric Railroad, Syracuse, Lake Shore and Northern Railroad, Cortland County Traction, Oneida Railway, Syracuse and South Bay Electric Railroad, and Rochester, Syracuse and Eastern Railroad Companies, on one day's notice to the public and Commission, establishing fares to and from Rochester, N. Y., from and to all stations between Rochester, N. Y., and Lockport, N. Y. The said fares to be the same as are now shown in vertical line "A" on page 5, and horizontal line "1" on pages 5, 6, and 7 of passenger tariff P. S. C.,

2 N. Y., No. 1, with the exception of the fare between Rochester and Lockport, which shall be one dollar and ten cents. Baggage rates: one hundred and fifty pounds of personal baggage to be checked free on each full ticket, and seventy-five pounds on each half ticket, with an excess rate of twenty-five cents for each one hundred pounds or fraction thereof when weight exceeds the above mentioned limits. All unclaimed baggage to be subject to the following storage charges for each piece: for second day of twenty-four hours or faction thereof, twenty-five cents; for each succeeding day up to the tenth day, ten cents; for ten days to one month, one dollar; for each succeeding month, one dollar; except that when baggage arrives between twelve o'clock noon on Saturday or the day preceding a legal holiday, it will be held without charge until twelve o'clock noon on Monday or the day following such legal holiday. Small baby carriages, baby sleighs, and similar vehicles to be carried as baggage. Corpse: One first-class fare for the transportation of a corpse, with a minimum charge of one dollar. School commutation ticket books: Thirty-four cents for each mile in excess of thirty-five miles up to fifty-four miles, for forty-six trip school commutation ticket books. Commutation ticket books: forty-five cents for each mile in excess of twenty-six miles up to fifty-four miles, for fifty-four trip commutation ticket books. Round-trip fares between each of the stations Adams Basin, N. Y., Hulberton, N. Y., Knowlesville, N. Y., and Gasport, N. Y., and all other stations where ticket offices are located, such round-trip rates in no case to exceed twice the one-way fares. Chartered car rates in no case to exceed the rates now shown on page ten of passenger tariff P. S. C., 2 N. Y., No. 1. Regulations providing for issuance of transfers in the city of Rochester, N. Y. Other rates or fares: the reissuance unchanged of all other rates, fares, or regulations not herein above referred to now shown in passenger tariff P. S. C., 2 N. Y., No. 1, excepting rates, fares, or regulations relative to mileage books. Said tariff indicating by appropriate reference marks in connection with each item the exact date such item shall become effective, shall be filed and posted within twenty days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1421, of date April 5, 1910."

Supplemental to No. 1421; April 26, 1910; Buffalo, Lockport and Rochester Railway Company:

Ordered: That special permission order No. 1421, of date April 5, 1910, granting authority to issue a local and joint passenger tariff as P. S. C., 2 N. Y., No. 48, on one day's notice to the public and Commission within twenty days from the date of the order, be and is hereby amended, extending the time for the issuance of such tariff until May 15, 1910.

Completed by P. S. C. No. 48, effective May 17, 1910.

No. 1422; April 5, 1910; Buffalo, Lockport and Rochester Railway Company:

Ordered: That the Buffalo, Lockport and Rochester Railway Company be and is hereby authorized to issue its joint tariff of one-way and round-trip passenger fares P. S. C., 2 N. Y., No. 49, in connection with the International Railway Company, on one day's notice to the public and Commission, establishing one-way and round-trip passenger fares from following New York state stations: Rochester, Spencerport, Adams Basin, Brockport, Holley, Hulberton, Albion, Knowlesville, Medina, Middleport, and Gasport to the following New York state stations: Buffalo, Niagara Falls, North Tonawanda, and Olcott Beach. Said fares to in no case exceed the sum of the local fares as published in the respective tariffs of the participating carriers. Said tariff shall be filed and posted within twenty days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1422, of date April 5, 1910."

Supplemental to No. 1422; April 26, 1910; Buffalo, Lockport and Rochester Railway Company:

Ordered: That special permission order No. 1422, of date April 5, 1910, granting authority to issue its P. S. C., 2 N. Y., No. 49, a passenger tariff of joint one-way and round-trip passenger fares between its various local stations and stations on the line of the International Railway Company, on one day's notice to the public and Commission within twenty days from the date of the order, be and is hereby amended, extending the time for the issuance of such tariff until May 15, 1910.

Completed by P. S. C. No. 49, effective May 16, 1910.

No. 1423. April 5, 1910; Buffalo and Lake Erie Traction Company:

Ordered: That the Buffalo and Lake Erie Traction Company be and is hereby authorized to issue its local freight tariff of class and commodity rates on three days' notice to the public and Commission, establishing class rates governed by the official classification on all classes of merchandise from and to all stations Buffalo, N. Y., to State Line, N. Y., inclusive, and all stations Buffalo, N. Y., to Hamburg, N. Y., inclusive, and establishing rates on all commodities and between all stations named in tariffs Dunkirk and Fredonia division P. S. C., 2 N. Y., No. 1, Dunkirk and Fredonia and Interurban divisions P. S. C., 2 N. Y., No. 2, Hamburg and Dunkirk and Fredonia and Interurban divisions P. S. C., 2 N. Y., No. 4, and Interurban division P. S. C., 2 N. Y., No. 4. The class or commodity rates so established to in no case exceed the rates now in force in above named tariffs. Said tariff shall be filed and posted within twenty days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1423, of date April 5, 1910."

Completed by P. S. C. No. A-2, effective April 23, 1910.

No. 1424; April 5, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue its local freight tariff P. S. C., 2 N. Y., No. 7589, on one day's notice to the public and Commission, establishing on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of car, but in no case less than fifty-four thousand pounds, rates in cents per ton of two thousand pounds, from and to New York state stations as follows: from East Buffalo, Black Rock, and Buffalo (Erie Street, Ohio Street, and Carroll Street stations) to Waterport, 80; and to Brice, Carlton, Kendall, and Morton, 90. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1424, of date April 5, 1910."

Completed by P. S. C. No. 7589, effective April 10, 1910.

No. 1425; April 5, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue its local freight tariff P. S. C., 2 N. Y., No. 539, on one day's notice to the public and Commission, establishing rate of forty cents per ton of two thousand pounds on Manure, carloads, minimum carload weight fifty thousand pounds, from Wyoming, N. Y., to Charlotte (Latta Road), N. Y., Great Valley, N. Y., and Peth, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1425, of date April 5, 1910."

Completed by P. S. C. No. 539, effective April 9, 1910.

No. 1426; April 6, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue its joint commodity tariff P. S. C., 2 N. Y., No. 7592, in connection with The Delaware and Hudson Company, on one day's notice to the public and Commission, establishing rate of thirty-two cents per can on Pot Cheese, in forty-quart cans, less carloads, from 33rd Street, New York, N. Y., to Bainbridge, N. Y., via Albany, N. Y., and The Delaware and Hudson Company's railroad. Empty cans to be returned free. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1426, of date April 6, 1910."

Completed by P. S. C. No. 7592, effective April 10, 1910.

No. 1427; April 6, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue its local freight tariff P. S. C., 2 N. Y., No. 1989, on one day's notice to the public and Commission, establishing rate of thirty cents per ton of two thousand pounds on Sand and Gravel, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Macedon, N. Y. (shipments to be loaded at Kent's Pit), to Palmyra, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1427, of date April 6, 1910."

Completed by P. S. C. No. 1989, effective April 10, 1910.

No. 1428; April 7, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its local freight tariff P. S. C., 2 N. Y., No. 7082, on one day's notice to the public and Commission, and establish by supplement No. 2 to P. S. C., 2 N. Y., No. 7082, rate of one dollar and fifty cents per ton of two thousand pounds on Paving Brick, carloads, minimum weight forty thousand pounds, from Corning, N. Y., to Herkimer, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1428, of date April 7, 1910."

Completed by supplement No. 2 to P. S. C. No. 7082, effective April 13, 1910.

No. 1429; April 8, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue a local freight tariff as its P. S. C., 2 N. Y., No. 7595, on one day's notice to the public and Commission, establishing a rate of thirty cents per ton of two thousand pounds on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Prospect Junction, N. Y., to Utica, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1429, of date April 8, 1910."

Completed by P. S. C. No. 7595, effective April 13, 1910.

No. 1430; April 8, 1910; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to amend its local passenger tariff P. S. C., 2 N. Y., No. 99, by the issuance of supplement No. 2 thereto, on three days' notice to the public and Commission, and provide therein for one-way and round-trip passenger fares, in cents per ticket, in either direction between Stewart Manor, N. Y., and other New York state stations, as follows:

	One way	Round trip		One way	Round trip
New York, 34th St.....	52	87	Woodhaven Junction	27	50
Long Island City.....	49	82	Morris Park	24	44
Forest Hills.....	28	52	Dunton	22	40
Maple Grove.....	26	47	Jamaica	20	36
Bushwick	43	82	Hollis	14	26
Bushwick Junction.....	36	66	Queens	9	17
Glendale	32	59	Bellerose	7	12
Richmond Hill	25	47	Floral Park.....	5	10
Brooklyn:			Nassau Boulevard.....	5	10
Flatbush Avenue	49	82	Garden City.....	6	11
Nostrand Avenue	44	82	Hempstead Crossing	8	14
East New York.....	37	67	Hempstead	11	20

Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1430, of date April 8, 1910."

Complete by supplement No. 2 to P. S. C. No. 99, filed April 12th, effective April 15, 1910.

No. 1431; April 9, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue a joint commodity tariff as its P. S. C., 2 N. Y., No. 7598, on one day's notice to the public and Commission, establishing a rate, in connection with The Delaware and Hudson Company, of twelve cents per one hundred pounds applying on Pulp, Wood and Sulphite, also Screenings, Woodpulp, carloads, minimum weight forty thousand pounds, from Piercefield, N. Y., to Glens Falls, N. Y., Fort Edward, N. Y., and Corinth, N. Y., via Schenectady, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1431, of date April 9, 1910."

Completed by P. S. C. No. 7598, effective April 11, 1910.

No. 1432; April 11, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue a local passenger tariff as P. S. C., 2 N. Y., No. 228, on three days' notice to the public and Commission, establishing a rate of one dollar to cover the special movement of a train including transportation of lecturers of the New York State College of Agriculture, Cornell University, and their staff, on April 18, 19, and 20, 1910, from Rochester, N. Y., to East Salamanca, N. Y., and thence to Buffalo, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1432, of date April 11, 1910.

No tariff filed, to complete this order, within time limit specified.

No. 1433; April 12, 1910; Buffalo and Lake Erie Traction Company:

Ordered: That the Buffalo and Lake Erie Traction Company be and is hereby authorized to cancel its freight tariff Interurban division P. S. C., 2 N. Y., No. 3, by the issuance of a superseding local freight tariff as its P. S. C., 2 N. Y., No. A–1, on one day's notice to the public and Commis-

sion, establishing classification to apply on articles to be shipped by freight between points local to its railroad and within the State of New York. The classifications so established to be those contained in publication known as the official classification No. 35, and current effective supplements thereto Nos. 3 and 4. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1433, of date April 12, 1910."

Completed by P. S. C. No. A–1 and supplement Nos. 1 and 2 thereto, effective April 21, 1910.

No. 1434; April 15, 1910; Western New York and Pennsylvania Traction Company:

Ordered: That the Western New York and Pennsylvania Traction Company be and is hereby authorized to issue a local freight tariff as its P. S. C., 2 N. Y., No. 100, on three days' notice to the public and Commission, providing a rate of five cents per one hundred pounds on Lumber, loose; Shingles, wood; and Lath, wood; also Cement, building; in carloads, minimum weight as per official classification in effect at time of shipment, and eight cents per one hundred pounds on the same articles when shipped in less than carload lots, in either direction between Olean, N. Y., and Knapps Creek, N. Y.; also State Line, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1434, of date April 15, 1910."

Completed by P. S. C. No. 100, effective April 23, 1910.

No. 1435; April 18, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to amend its passenger tariff of local, interdivision, and joint summer excursion fares by the issuance on five days' notice to the public and Commission of supplement No. 1 thereto, correcting list of participating carriers, and making effective June 15, 1910, cancellation of fares to Alexandria Bay, N. Y., Clayton, N. Y., Frontenac, N. Y., and Thousand Island Park, N. Y., via Sodus Point, N. Y., also via Oswego, N. Y., and thence via steamer of the Star-Cole Line as shown therein, to take effect June 15, 1910. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1435, of date April 18, 1910."

Completed by supplement No. 1 to P. S. C. No. 315, effective May 1, 1910.

No. 1436; April 20, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue a freight tariff as its P. S. C., 2 N. Y., No. 7627, on one day's notice to the public and Commission, establishing local commodity rates on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Antwerp, N. Y., to New York state points, the rates in cents per ton of two thousand pounds, as follows: to Philadelphia, Evans, Sanfords, and Watertown, 40; to Alversons, Sackets Harbor, Brownville, Dexter, Limerick, Chaumont, and Three Mile Bay, 50; to Rosiere and Cape Vincent, 55. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1436, of date April 20, 1910."

Completed by P. S. C. No. 7627, effective April 25, 1910.

No. 1437; April 20, 1910; Western New York and Pennsylvania Traction Company:

Ordered: That the Western New York and Pennsylvania Traction Company be and is hereby authorized to issue a freight tariff as its P. S. C., 2 N. Y., No. 101, on five days' notice to the public and Commission, establishing a rate of twenty-five cents per ton of two thousand two hundred forty pounds on Anthracite Coal in carloads, minimum carload weight to be specified, from connection with the Buffalo, Rochester and Pittsburgh Railway Company's tracks at East Salamanca, N. Y., to Little Valley, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1437, of date April 20, 1910."

Completed by P. S. C. No. 101, effective April 30, 1910.

No. 1438; April 20, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue a freight tariff as its P. S. C., 2 N. Y., No. 545, on one day's notice to the public and Commission, establishing joint commodity rate of five cents per one hundred pounds on Fence Posts, carloads, minimum carload weight to be specified, from Charlotte, N. Y., to Industry, N. Y., via LeRoy, N. Y., and the Erie railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1438, of date April 20, 1910."

Completed by P. S. C. No. 545, effective April 23, 1910.

No. 1439; April 23, 1910; Otsego and Herkimer Railroad Company:

Ordered: That the Otsego and Herkimer Railroad Company be and is hereby authorized to cancel its passenger tariff P. S. C., 2 N. Y., No. 115, on twenty-five days' notice to the public and Commission, and to reissue in its passenger tariff P. S. C., 2 N. Y., No. 116, all matter contained in P. S. C., 2 N. Y., No. 115, making no change other than as follows: under heading "Chair Rates on Parlor Car *Otsego* when used in schedule service," change to read: when the ticket rate is not over forty cents, the chair rate will be fifteen cents; when the ticket rate is forty-one cents and not over eighty cents, the chair rate will be twenty-five cents; when the ticket rate is eighty-one cents or over, the chair rate will be thirty cents. Said tariff shall be made effective May 22, 1910, and bear the following notation: "Issued on twenty-five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1439, of date April 23, 1910."

Completed by P. S. C. No. 116, effective May 22, 1910.

No. 1440; April 23, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue supplement No. 4 to its joint and proportional commodity tariff P. S. C., 2 N. Y., No. 2230, in connection with the New York, Ontario and Western Railway Company, on one day's notice to the public and Commission, establishing rate of two dollars and twenty cents per ton of two thousand pounds on Common Brick, carloads, minimum weight as per official classification in effect at time of shipment, from Mechanicville, N. Y., to Ferndale, N. Y., via Sidney, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1440, of date April 23, 1910."

Completed by supplement No. 4 to P. S. C. No. 2230, effective April 29, 1910.

No. 1441; April 25, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue its freight tariff P. S. C., 2 N. Y., No. 2354, on one day's notice to the public and Commission, establishing joint commodity rate not to exceed fifteen cents per one hundred pounds on Liquid Road Binder in carloads: in barrels, minimum carload weight forty thousand pounds, also in tank cars, minimum carload weight to be marked capacity of tank, from Ausable Forks, N. Y., to all stations on The New York Central and Hudson River Railroad Company's Harlem division intermediate between and including Ghent, N. Y., and Pawling, N. Y., via Troy, N. Y., Rensselaer, N. Y., and Chatham, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1441, of date April 25, 1910."

Completed by P. S. C. No. 2354, effective April 29, 1910.

No. 1442; April 25, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue supplement No. 7 to its joint and proportional commodity tariff P. S. C., 2 N. Y., No. 2170, in connection with the Erie Railroad Company, on one day's notice to the public and Commission, establishing rate of fifteen cents per one hundred pounds on Liquid Road Binder in barrels, in carloads, minimum carload weight forty thousand pounds, and in tank cars minimum carload weight to be marked capacity of tank, from Ausable Forks, N. Y., to Union (Broome county), N. Y., via Binghamton, N. Y., and Erie railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1442, of date April 25, 1910."

Completed by supplement No. 7 to P. S. C. No. 2170, effective May 5, 1910.

No. 1443; April 25, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue a joint commodity tariff as its P. S. C., 2 N. Y., No. 2019, in connection with the Boston and Maine Railroad, on one day's notice to the public and Commission, establishing rate of sixty cents per ton of two thousand pounds on Crushed Stone and Rough Quarried Stone, carloads, minimum carload weight ninety per cent of the marked capacity of car, but not less than fifty-four thousand pounds, from Pattersonville, N. Y., to Scotia, N. Y., via Rotterdam Junction, N. Y., and the Boston and Maine railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1443, of date April 25, 1910."

Completed by P. S. C. No. 2019, effective May 2, 1910.

No. 1444; April 25, 1910; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to issue a joint commodity tariff under proper P. S. C. serial number, in connection with The New York Central and Hudson River Railroad Company, or the Rutland Railroad Company and The New York Central and Hudson River Railroad Company, on two days' notice to the public and Commission, establishing a rate of two dollars per cubic cord on Pulpwood, carloads, minimum carload ten cubic cords, from St. Regis Falls, N. Y., to Potsdam, N. Y., via Moira, N. Y., and the New York Central and Hudson River railroad, or via Moira, N. Y., Rutland railroad, Norwood, N. Y., and New York Central and Hudson River railroad. Said tariff shall be filed

and posted within ten days from the date of this order and bear the following notation: "Issued on two days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1444, of date April 25, 1910."

Completed by P. S. C. No. 212, effective May 2, 1910.

No. 1445; April 25, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue supplement No. 4 to its joint and proportional commodity tariff P. S. C., 2 N. Y., No. 2230, in connection with the New York, Ontario and Western Railway Company, on one day's notice to the public and Commission, establishing rate of fifteen cents per one hundred pounds on Liquid Road Binder: in barrels, in carloads, minimum carload weight forty thousand pounds, and in tank cars, minimum carload weight to be marked capacity of tank, from Ausable Forks, N. Y., to Edmeston, N. Y., via Sidney, N. Y., and New York, Ontario and Western railway. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1445, of date April 25, 1910."

Completed by supplement No. 4 to P. S. C. No. 2230, effective April 29, 1910.

No. 1446; April 26, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to amend its freight tariff P. S. C. No. 1013, of local and joint rates on Ice in carloads, on one day's notice to the public and Commission, by the issuance of its supplement No. 3 to said tariff, establishing rate of fifty-five cents per ton of two thousand pounds from Fulton, N. Y., to Syracuse, N. Y., and Solvay, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1446, of date April 26, 1910."

Completed by supplement No. 3 to P. S. C. No. 1013, effective May 2, 1910.

No. 1447; April 26, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 2170, of joint and proportional rates applying on miscellaneous commodities, on one day's notice to the public and Commission, by the issuance of its supplement No. 7 to said tariff, establishing on Cement, as specified in item 6 of said tariff, rate of one dollar and seventy cents per ton of two thousand pounds from Glens Falls, N. Y., and Howes Cave, N. Y., to Erie railroad stations Riverside, N. Y., and Kirkwood, N. Y., via Binghamton, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1447, of date April 26, 1910."

Completed by supplement No. 7 to P. S. C. No. 7170, effective May 5, 1910.

No. 1448; April 26, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to cancel its freight tariff G. O.— P. S. C., 2 N. Y., No. 271, a special list of Lumber and other Forest Products to be used only in connection with rate schedules which make specific reference thereto, and to reissue in its freight tariff G. O.— P. S. C., 2 N. Y., No. 278, on ten days' notice to the public and Commission, the same without change other than in its effective date, which effective date is to be May 18, 1910, instead of May 20, 1910. Said tariff shall be filed and posted and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission

of the Public Service Commission, Second District, State of New York, No. 1448, of date April 26, 1910."

Completed by G. O.—P. S. C. No. 278, effective May 18, 1910.

No. 1449; April 27, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue its freight tariff P. S. C., 2 N. Y., No. 7675. on one day's notice to the public and Commission, establishing local commodity rate of forty cents per ton of two thousand pounds on Rough Quarried Stone, carloads, minimum weight ninety per cent of the marked capacity of car. but not less than fifty-four thousand pounds, from Chaumont, N. Y., to Watertown, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1449, of date April 27, 1910."

Completed by P. S. C. No. 7675, effective May 3, 1910.

No. 1450; April 27, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its passenger tariff P. S. C., 2 N. Y., No. 499, on five days' notice to the public and Commission, by the issuance of supplement No. 1 thereto, correcting clerical errors contained therein applying to the sale of summer excursion tickets from Buffalo, N. Y., to Toronto, Ont., and return, via Lewiston, N. Y., and steamer; also basing summer excursion fare between same points via Buffalo, N. Y., Niagara-on-the-Lake. N. Y.. and steamer as shown on page 69 of tariff as applicable to sale of tickets from May 16, 1910, to September 30, 1910, and make same read three dollars and thirty-five cents instead of two dollars and thirty-five cents. Said tariff shall be filed and posted within fifteen days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1450, of date April 27, 1910."

Completed by supplement No. 1 to P. S. C. No. 499, effective May 16, 1910.

No. 1451; April 27, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. D–1460, by the issuance on one day's notice to the public and Commission of its supplement No. 4 to said tariff. removing therefrom item No. 127, exception to Rule 27 of official classification. Said tariff shall be filed and posted under an effective date of May 3, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1451, of date April 27, 1910."

Completed by supplement No. 4 to P. S. C. No. D–1460, effective May 3, 1910.

No. 1452; April 27, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to amend its passenger tariff P. S. C., 2 N. Y., No. 129, by the issuance on ten days' notice to the public and Commission of its passenger tariff P. S. C., 2 N. Y., No. 477, which will supersede and take the place of passenger tariff P. S. C., 2 N. Y., No. 129, reissuing the matter contained therein without change except section four relating to extra fares on Black Diamond Express, eliminating the charge in either direction between all stations. except as now shown in tariff applying between New York, N. Y., Jersey City, N. J., Newark N. J., and Buffalo, N. Y. Said tariff shall be filed

and posted within fifteen days from the date of this order and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1452, of date April 27, 1910."

Completed by P. S. C. No. 447, effective May 22, 1910.

No. 1453; April 27, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue its freight tariff P. S. C., 2 N. Y., No. 1607, of local rates applying to the shipment of Fluid Milk in cans of forty quarts, establishing on three days' notice to the public and Commission a rate of ten cents per can, including free return of empty cans, from Cochecton, N. Y., to Deposit, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1453, of date April 27, 1910."

Completed by P. S. C. No. 1607, effective May 2, 1910.

No. 1454; April 27, 1910; The New York, New Haven and Hartford Railroad Company:

Ordered: That The New York, New Haven and Hartford Railroad Company be and is hereby authorized to amend its passenger tariff P. S. C., 2 N. Y., No. 123, of joint one-way and round-trip first- and second-class fares from local stations to destinations in various States, on one day's notice to the public and Commission, by the issuance of its supplement No. 2 to said tariff, correcting the clerical and typographical errors contained therein relating to fares from New York, N. Y., to Newark, Del., Newark, N. J., and Newark, N. Y., as specified in application. Said tariff shall be filed and posted under an effective date May 1, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1454, of date April 27, 1910."

Completed by supplement No. 2 to P. S. C. No. 123, effective May 1, 1910.

No. 1455; April 28, 1910; Catskill and New York Steamboat Company, Limited:

Ordered: That the Catskill and New York Steamboat Company, Limited, be and is hereby authorized to issue a freight tariff on ten days' notice to the public and Commission, establishing the following joint class rates, in cents per one hundred pounds, first to sixth classes respectively: 38, 35, 33, 28, 20, 15, from New York, N. Y., to Otis Summit, N. Y., Antlers, N. Y., Laurel House Station, N. Y., Haines Falls, N. Y., and Tannersville, N. Y., via Catskill, N. Y., Catskill Mountain railway, and its connections, Otis railway, and Catskill and Tannersville railway. Said tariff shall be filed and posted under an effective date of May 19, 1910, and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1455, of date April 28, 1910."

Completed by P. S. C. No. 4, effective May 19, 1910.

No. 1456; May 2, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 6736, containing local rates applying to the shipment of Milk, Buttermilk, Cream, and Pot Cheese when shipped on milk trains from Barrytown, N. Y., Rhinecliff, N. Y., and Staatsburgh, N. Y., to 33rd and 130th Streets, New York, N. Y., by the issuance of its supplement No. 1 thereto, making no change therein other than to include Peekskill, N. Y., as a point of shipment from which rates

apply. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1456, of date May 2, 1910."

Completed by supplement No. 1 to P. S. C. No. 6736, effective May 5, 1910.

No. 1457; May 2, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company and its leased line, the West Shore railroad, be and are hereby authorized to amend, on one day's notice to the public and Commission, their passenger tariffs respectively P. S. C., 2 N. Y., No. 353, and P. S. C., 2 N. Y., No. 140, by the issuance of supplement No. 3 thereto, establishing therein the same scale of rates as now apply to the transportation of Fresh Milk, Buttermilk, Pot Cheese, Cream, and Condensed Milk, in baggage cars on passenger trains, to Buffalo, N. Y., from stations distant not exceeding seventy-five miles, making same applicable in either direction between Buffalo, N. Y., and stations distant not exceeding seventy-five miles, and in either direction between stations intermediate thereto. Said tariffs shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1457, of date May 2, 1910."

Completed by supplement No. 3 to N. Y. C. P. S. C. No. 353, and supplement No. 3 to West Shore P. S. C. No. 140, effective May 7, 1910.

No. 1458; May 4, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. D–1578, establishing therein a rate of forty cents per ton of two thousand pounds on Cinders, carloads, minimum weight as per official classification in effect at time of shipment, from Manchester, N. Y., to Mount Hope, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1458, of date May 4, 1910."

Completed by P. S. C. No. D–1578, effective May 7, 1910.

No. 1459; May 5, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue a freight tariff as its supplement No. 7 to tariff P. S. C., 2 N. Y., No. 4799, on one day's notice to the public and Commission, establishing a local rate of thirty cents per ton of two thousand pounds applying on Crushed Stone, carloads, minimum weight marked capacity of car, but not less than forty thousand pounds, from Black Rock, N. Y., Buffalo (Erie, Ohio, and Carroll Streets stations), N. Y., and East Buffalo, N. Y., to Forks, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1459, of date May 5, 1910."

Completed by supplement No. 7 to P. S. C. No. 4799, effective May 12, 1910.

No. 1460; May 5, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue a freight tariff as its P. S. C., 2 N. Y., No. 7704, on one day's notice to the public and Commission, establishing a local rate of one dollar and seventy-five cents per cord on Pulp-

wood, carloads, minimum ten cords, from Hinckley, N. Y., to Brownville, N. Y. Said tariff to expire with the close of business May 25, 1910, giving reference for future rate to freight tariff P. S. C., 2 N. Y., No. 7657, and shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1460, of date May 5, 1910."

Completed by P. S. C. No. 7704, effective May 9, 1910.

No. 1461; May 5, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue a local and joint passenger tariff, on one day's notice to the public and Commission, establishing a charge of one dollar to cover the special movement of a train including transportation of lecturers of the New York State College of Agriculture, Cornell University, and their staff, for movement over its railroad and that of the Rutland Railroad Company, as follows: On May 9, 1910, from Auburn, N. Y., or Canastota, N. Y., to Utica, N. Y.; on May 10, 1910, from Utica, N. Y., to Watertown, N. Y.; on May 11, 1910, Watertown, N. Y., to Canton, N. Y.; on May 12, 1910, from Canton, N. Y., to Malone, N. Y.; on May 13, 1910, from Malone, N. Y., to Syracuse, N. Y.; on May 14, 1910, from Syracuse, N. Y., to Auburn, N. Y., or Canastota, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1461, of date May 5, 1910."

Completed by P. S. C. No. 510, effective May 9, 1910.

No. 1462; May 5, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to cancel, on one day's notice to the public and Commission, its passenger tariff of local and joint rates for the transportation of Milk, Condensed Milk, Cream, Pot Cheese, and Buttermilk, applying between all stations on its railroad and that of the Silver Lake Railway Company for distances of one hundred miles or less, and to reissue the rates contained therein, making no change other than to correct item two in rules and regulations to read Condensed Milk instead of Condensed Cream, and to provide rates in section (b) applying to Buffalo, N. Y., to apply on Cream and Condensed Milk instead of Cream and Condensed Cream. Said tariff shall be filed and posted within five days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1462, of date May 5, 1910."

Completed by P. S. C. No. 232, effective May 7, 1910.

No. 1463; May 6, 1910; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to amend, on three days' notice to the public and Commission, its passenger tariff of local one-way and round-trip fares, P. S. C., 2 N. Y., No. 99, by the issuance of its supplement No. 3 thereto, changing the name of Maple Grove, N. Y., to Kew, N. Y., and also establishing the one-way and round-trip fares applying between Flowerfield, N. Y., a newly established station, and other points local to the Long Island railroad as shown in the application, which application is hereby made a part of this order. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1463, of date May 6, 1910."

Completed by supplement No. 3 to P. S. C. No. 99, effective May 15, 1910.

No. 1464; May 6, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to amend, on three days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 453, exceptions to official classification, by the issuance of supplement No. 5 thereto, canceling therefrom item No. 161-A as shown in supplement No. 4 effective January 18, 1910, relating to Rule 27 of official classification. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1464, of date May 6, 1910."

Completed by supplement No. 5 to P. S. C. No. 453, effective May 16, 1910.

No. 1465; May 7, 1910; New York and North Shore Traction Company:

Ordered: That the New York and North Shore Traction Company be and is hereby authorized to cancel, on ten days' notice to the public and Commission, its passenger tariff P. S. C., 2 N. Y., No. 2, and to reissue the matter contained therein in its passenger tariff P. S. C., 2 N. Y., No. 3, together with local one-way fares applying between points on newly completed extension of railroad from the junction of the Middle Neck road and North Hempstead turnpike in Roslyn, N. Y., to the Plandome road in Manhassett, N. Y.; also to provide charges covering transportation of Dogs between any two points on its railroad, and charges for one-way and round-trip movement of chartered cars. Said tariff shall be filed and posted within twenty days from the date of this order and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1465, of date May 7, 1910."

Completed by P. S. C. No. 3, effective May 23, 1910.

No. 1466; May 9, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff, P. S. C., 2 N. Y., No. 7715, establishing a rate of thirty-five cents per ton of two thousand pounds applying on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Horseshoe, N. Y., to Rainbow, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1466, of date May 9, 1910."

Completed by P. S. C. No. 7715, effective May 13, 1910.

No. 1467; May 9, 1910; The Niagara Gorge Railroad Company:

Ordered: That The Niagara Gorge Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its passenger tariff P. S. C., 2 N. Y., No. 21, by the issuance of supplement No. 1 thereto, making no changes therein other than as follows: Eliminating from title-page "Expires October 15th, 1910. Except as noted in Individual Items, Section 2, Page 4, of this Tariff. (Unless sooner canceled, changed or extended)." Change page 4, section 5, adding to first sentence the following: "except on baggage checked between points in New York state where the journey is entirely in New York state, the liability will be one hundred and fifty dollars in value on each whole ticket, and seventy-five dollars in value on each half ticket." Amending page 6 under caption: "Season of Navigation," and after the first paragraph add caption: "Routes and Fares," and thereafter the following: "One-way eastbound fares named in this tariff will be limited to September 30, 1910, except that the one-way fares prefixed (g) will be limited to September 3, 1910, and one-way fares prefixed (f) will be limited to October 15, 1910." Said tariff shall be filed and posted

under an effective date of May 16, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1467, of date May 9, 1910."

Completed by supplement No. 1 to P. S. C. No. 21, effective May 16, 1910.

No. 1468; May 9, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to amend, on three days' notice to the public and Commission, its passenger tariff of local, interdivision, and joint fares applying to the sale of summer tourist tickets, P. S. C., 2 N. Y., No. 227, as follows: From participating carriers as shown on page 2, eliminate "Star-Cole Line Steamers," concurrence P. 3, No. 1; from page 6 eliminate "Star-Cole Line Steamers, stop-over allowed on notice to purser"; on page 10 eliminate Form of Ticket "T-289-1, Route No. 48, Route D., L. & W. R. R. (Oswego), Star-Cole Line Steamer"; from pages 14, 15, 16, 17, 22, and 23, eliminate destinations "j Alexandria Bay, N. Y., j Clayton, N. Y., j Frontenac, N. Y., and j Thousand Island Park, N. Y.," route number and fares opposite thereto applying from points of origin shown by head lines. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1468, of date May 9, 1910."

Supplemental to No. 1468; June 1, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That special permission order No. 1468, of date May 9, 1910, granting authority to amend, on three days' notice to the public and Commission, its passenger tariff of local, interdivision, and joint fares applying to the sale of summer tourist tickets, P. S. C., 2 N. Y., No. 227, be and is hereby amended, extending the time for the issuance of amending supplement thereto, to take effect not later than June 10, 1910.

Completed by supplement No. 1 to P. S. C. No. 227, effective June 10, 1910.

No. 1469; May 11, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Huson Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 2208, containing joint rates applying on carload shipments of miscellaneous commodities by the issuance of supplement No. 2 thereto, establishing therein a rate of two dollars per ton of two thousand pounds applicable to Cement, unburnt, in packages, and Cement — Common, Hydraulic, Natural, or Portland, in carloads, minimum weight fifty thousand pounds except when capacity of car is less, in which case actual capacity of car will govern, but in no case will the minimum carload weight be less than forty thousand pounds, from Glens Falls, N. Y., and Howes Cave, N. Y., to Ancram, N. Y., and Billings, N. Y., via Sidney, N. Y., and New York, Ontario and Western railway, Campbell Hall, N. Y., and Central New England railway. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1469, of date May 11, 1910."

Completed by supplement No. 2 to P. S. C. No. 2208, effective May 16, 1910.

No. 1470; May 12, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 7733, establishing therein a joint rate of nine cents per one hundred pounds, applying to shipments of Lime, carloads, minimum weight forty thousand pounds, from

Richville, N. Y., to Chateaugay, N. Y., via Norwood, N. Y., and the Rutland railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1470, of date May 12, 1910."

Completed by P. S. C. No. 7733, effective May 19, 1910.

No. 1471; May 12, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 7736, establishing therein a local rate of fifty-six cents per ton of two thousand two hundred forty pounds, applicable to the shipment of Pyrites Rock, carloads, minimum weight forty tons of two thousand two hundred forty pounds each, from Natural Bridge, N. Y., to Hinckley, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Comission under special permission of the Public Service Commission, Second District, State of New York, No. 1471, of date May 12, 1910."

Completed by P. S. C. No. 7736, effective May, 19, 1910.

No. 1472; May 12, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1615, establishing therein a joint rate of sixty-five cents per ton of two thousand pounds applying to the shipment of Logs, carloads, minimum weight as per official classification in effect at time of shipment, from Allegany, N. Y., to Ellicottville, N. Y., via Salamanca, N. Y., and Buffalo, Rochester and Pittsburgh railway. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1472, of date May 12, 1910."

Completed by P. S. C. No. 1615, effective May 16, 1910.

No. 1473; May 12, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel, on fifteen days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 7706, applying on Crushed Stone, carloads, from Solvay, N. Y., to various points on Lehigh Valley railroad, and reissue the matter contained therein in its freight tariff P. S. C., 2 N. Y., No. 7738, making no change therein other than changing the statement of rates from "in cents per 100 pounds" to "in cents per ton of two thousand pounds"; also to establish a joint rate of one dollar per ton of two thousand pounds on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, applying from Solvay, N. Y., to Elmira, N. Y., via Auburn, N. Y., and the Lehigh Valley railroad. Said tariff shall be filed and posted under an effective date of June 6, 1910, and bear the following notation: "Issued on fifteen days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1473, of date May 12, 1910."

Completed by P. S. C. No. 7738, effective June 6, 1910.

No. 1474; May 12, 1910; Fulton Chain Railway Company:

Ordered: That the Fulton Chain Railway Company be and is hereby authorized to issue, on three days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8, establishing a local rate of one dollar and fifty cents per car on Logs from Fulton Chain Station, N. Y., to Iron Bridge, N. Y., over Middle branch of Moose river, N. Y., with the

restriction that the rate is to apply only upon shipments which are to be unloaded from the main track and between the hours of 4 p. m. and 6 p. m. daily, during the period of time from effective date of tariff until June 19, 1910. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1474, of date May 12, 1910."

Completed by P. S. C. No. 8, effective May 25, 1910.

No. 1475; May 14, 1910; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to issue, on seven days' notice to the public and Commission, its passenger tariff P. S. C., 2 N. Y., No. 131, providing therein joint special, Sunday, holiday, season, and regular fares for the transportation of passengers from Schenectady, N. Y., Amsterdam, Johnstown, and Gloversville, N. Y., to Mountain Lake, N. Y., both one-way and round-trip; also passenger fares and chartered car rates between Main and Fulton Streets, Gloversville, N. Y.; Main and State Streets, Gloversville, N. Y.; Edel's Hill, N. Y.; Musgrave's, N. Y., Rifle Range, N. Y., Car Barn, N. Y., Banker's Crossing, N. Y., Reservoir, N. Y., Middle Crossing, N. Y., Mountain Turnout, N. Y., and Mountain Lake, N. Y. Said tariff shall be filed and posted within fifteen days from the date of this order and bear the following notation: "Issued on seven days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1475, of date May 14, 1910."

Completed by P. S. C. No. 131, effective May 28, 1910.

No. 1476; May 16, 1910; Eastern New York Railroad (F. H. Beach, Receiver):

Ordered: That the Eastern New York railroad, F. H. Beach, receiver, be and is hereby authorized to amend, on five days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 3, by the issuance of a superseding tariff, P. S. C., 2 N. Y., No. 4, making no change therein other than to define the application of the class of packages to which the six- and seven-cent per hundred pound rates apply from Ballston Spa, N. Y., to West Milton, N. Y., and Rock City Falls, N. Y.; and also the seven- and eight-cent per hundred pound rates from Ballston Spa, N. Y., to Middle Grove, N. Y., and to change the rates in cents per net ton for shipments of six tons and over in either direction between Pioneer Mill, N. Y., and West Milton, N. Y., to forty-five cents per ton of two thousand pounds, instead of fifty cents per net ton. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commision, Second District, State of New York, No. 1476, of date May 16, 1910."

Supplemental to No. 1476; June 20, 1910; Eastern New York Railroad (F. H. Beach, Receiver):

Ordered: That the special permission order No. 1476, of date May 16, 1910, granting authority to amend on five (5) days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 3 by the issue of a superseding tariff P. S. C., 2 N. Y., No. 4, said tariff to be filed within ten (10) days of the date of the order, be and is hereby amended, extending the time for the issuance of such tariff until June 22, 1910.

Completed by P. S. C. No. 4, effective June 27, 1910.

No. 1477; May 19, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to amend, on ten days' notice to the public and Commission, its passenger tariff of local and joint round-trip and basing fares for summer

tours, P. S. C., 2 N. Y., No. 441, by the issuance of its supplement No. 1 thereto, canceling therefrom all the fares shown on page 11 via route, form of ticket 2439 ex., and to remove from the list of participating carriers the Star-Cole Line (Lake Ontario and St. Lawrence Day Line); also Jamestown Electric Street Ry. (Chautauqua Traction Company), and to add to participating carriers under proper number and form of concurrence Chautauqua Traction Company; to correct page 8 removing therefrom Star-Cole Line (Lake Ontario and St. Lawrence River Day Line), stop-over allowed on notice to purser; also to amend paragraph 11 of page 7, excess baggage, to read as stated in application, and to cancel route of form 2538 ex. to Chautauqua lake as shown on page 18, and to Mayville, N. Y., as shown on page 23, and route of form of ticket 2534 ex. to Jamestown, as shown on page 21, establishing in place thereof route via Westfield, N. Y., and Chautauqua Traction Company. Said tariff shall be filed and posted within fifteen days from the date of this order and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1477, of date May 19, 1910."

Completed by supplement No. 1 to P. S. C. No. 441, effective June 10, 1910.

No. 1478; May 20, 1910; International Railway Company:

Ordered: That the International Railway Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a passenger tariff of joint one-way and round-trip fares as P. S. C., 2 N. Y., No. 21, applying from International Railway Company's stations Buffalo, N. Y., North Tonawanda, N. Y., Niagara Falls, N. Y., and Olcott Beach, N. Y., to various stations on the Buffalo, Lockport and Rochester railway; also rules and regulations governing the sale of tickets and the transportation of baggage thereunder; such fares in no case to exceed the fares now in force, regardless of how obtained, nor in any case to exceed the fares specified in the application which is hereby made a part of this order, as are also the rules and regulations to govern the tariff. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1478, of date May 20, 1910."

Completed by P. S. C. No. 21, effective June 1, 1910.

No. 1479; May 21, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, on one day's notice to the public and Commission, rate of forty cents per two thousand pounds on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of car, but not less than fifty-four thousand pounds, from Chaumont, N. Y., to Watertown, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1479, of date May 21, 1910."

Completed by P. S. C. No. 7758, effective May 27, 1910.

No. 1480; May 21, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, on one day's notice to the public and Commission, rate of forty-five cents per two thousand pounds on Gravel, carloads, minimum weight ninety per cent of the marked capacity of car, but not less than fifty-four thousand pounds, from Potsdam, N. Y., to Norwood, N. Y., Plumbrook, N. Y., and Massena Springs, N. Y. Said tariff shall be filed and posted within ten days from the date of this order

and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1480, of date May 21, 1910."

Completed by P. S. C. No. 7757, effective May 27, 1910.

No. 1481; May 21, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on ten days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 2357, of joint and proportional commodity rates applying to the shipment of various commodities in carloads and less than carloads from points on The Delaware and Hudson Company's railroad to points on the New York Central and Hudson River railroad, by the issuance of supplement No. 1 thereto, making no change therein other than to correct page 25, item 29, eliminating the rates applying on Heading, Hoops, Hoop Poles, and Staves, in carloads, from Peru, N. Y., and Plattsburgh, N. Y., to New York Central and Hudson River railroad stations Syracuse, N. Y., index No. 147, to Attica, N. Y., index No. 178, inclusive, and Solvay, N. Y., index No. 187, to Getzville, N. Y., index No. 235, inclusive, as rates applying to said commodities are provided between the same points in item No. 35 on page 29 of same tariff. Said tariff shall be filed and posted under an effective date of June 11, 1910, and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York. No. 1481, of date May 21, 1910."

Completed by supplement No. 1 to P. S. C. No. 2357, effective June 11, 1910.

No. 1482; May 23, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on three days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 551, establishing therein a rate of three dollars per car, applying as a switching charge on shipments of Plaster and Plaster Board, in either direction between industries at Garbutt, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1482, of date May 23, 1910."

Completed by P. S. C. No. 551, effective May 29, 1910.

No. 1483; May 24, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 7761, establishing therein a rate of one dollar and twenty-five cents per two thousand two hundred forty pounds on Pig Iron, carloads, minimum weight as per official classification in effect at time of shipment, from Charlotte, N. Y., to Carthage, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1483, of date May 24, 1910."

Completed by P. S. C. No. 7761, effective May 28, 1910.

No. 1484; May 24, 1910; Boston and Albany Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the Boston and Albany railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 198, establishing therein a rate of one dollar and

twenty-five cents per two thousand pounds on Moulding Sand, carloads, minimum weight ninety per cent of the marked capacity of the car, but in no case less than fifty-four thousand pounds, from Albany, N. Y., to Amenia, N. Y., via Chatham, N. Y., and the New York Central and Hudson River railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1484, of date May 24, 1910."

Completed by P. S. C. No. 198, effective May 27, 1910.

No. 1485; May 24, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its freight tariff of joint and proportional rates on miscellaneous commodities in carloads and less than carloads, P. S. C., 2 N. Y., No. 2357, by the issuance of its supplement No. 1 thereto, making the rates as shown in item 40 on page 33, applying to the shipment of Paper, various kinds, described in groups A, B, C, and D, applying from Delaware and Hudson Company stations specified in group Nos. 1 to 10 inclusive, to 42nd Street, New York, N. Y., via Troy, N. Y., and New York Central and Hudson River railroad, effective on the effective date of supplement instead of June 11, 1910. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1485, of date May 24, 1910."

Completed by supplement No. 1 to P. S. C. No. 2357, effective June 1, 1910.

No. 1486; May 24, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to issue, on five days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1054, establishing therein a rate of one dollar per ton of two thousand pounds on Crushed Stone, carloads, from Syracuse (Rock Cut), N. Y., to Kirkwood, N. Y., via Binghamton, N. Y., and the Erie railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1486, of date May 24, 1910."

Completed by P. S. C. No. 1054, effective May 31, 1910.

No. 1487; May 24, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to cancel, on three days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 1046, of Rules and Regulations relating to the holding of eastbound shipments in cars at Black Rock, N. Y., East Buffalo, N. Y., Elmira, N. Y., Waverly, N. Y., and Binghamton, N. Y., for reconsignment and diversion, and to reissue the matter contained therein, without change other than the Commission numbers of tariff, in its freight tariff P. S. C., 2 N. Y., No. 1053. Said tariff shall be filed and posted under an effective date of June 15, 1910, and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1487, of date May 24, 1910."

No tariff issued under this order; see superseding order No. 1503.

No. 1488; May 25, 1910; The New York and Long Island Traction Company:

Ordered: That The New York and Long Island Traction Company be and is hereby authorized to amend, on one day's notice to the public and

Commission, its passenger tariff of local fares, P. S. C., 2 N. Y., No. 1, establishing a fare of fifteen cents to apply to the sale of tickets, when same are purchased from the company's agents at Rockville Center, N. Y., Lynbrook, N. Y., and Grant Street (Old Brooklyn city line), N. Y., good for round-trip passenger transportation in either direction between points in fare limit described as follows: Driscoll avenue, easterly limits of Rockville Center (railroad stop 108), N. Y., and fare limit described as follows: Ocean avenue, Rosedale, westerly limits of Nassau county (railroad stop No. 168), N. Y. Said tariff shall be filed and posted under an effective date of June 1, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1488, of date May 25, 1910."

Completed by supplement No. 1 to P. S. C. No. 1, effective June 1, 1910.

No. 1489; May 26, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel, on one day's notice to the public and Commission, its passenger tariff of local one-way fares and distances, P. S. C., 2 N. Y., No. 514, and to reissue the matter contained therein without change other than to correct distances and fares between West Kendall, N. Y., and Brice, N. Y., and between West Kendall, N. Y., and Kendall, N. Y., which were transposed, thereby affecting the distances and fares between West Kendall, N. Y., and all stations shown in tariff, by the issuance of a schedule as its supplement No. 3 to tariff P. S. C., 2 N. Y., No. 26; such supplement also to cancel supplement No. 2 thereto and include the matter contained therein. Said tariff shall be filed and posted under an effective date of June 12, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1489, of date May 26, 1910."

Tariff P. S. C. No. 514 was rejected when received by Commission.

No. 1490; May 26, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 7762, establishing therein a rate of forty-five cents per two thousand pounds on Rough Building Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Rochester, N. Y. (Kent street and Portland avenue), to Geneva, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1490, of date May 26, 1910."

Completed by P. S. C. No. 7762, effective May 31, 1910.

No. 1491; May 27, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, on one day's notice to the public and Commission, by the issuance of a freight tariff or by amending by supplement issue freight tariffs now in effect, class rates applying to the shipment of property transported as freight to and from West Kendall, N. Y., a newly established station, and all other points on the lines of the New York Central and Hudson River railroad and West Shore railroad, said rates to be the same as those now in effect and applying to and from Kendall, N. Y., with such exceptions as stated in the application where the mileage bases underlying class rates would make the rates higher or lower than Kendall, N. Y. Said tariff shall be filed and posted within twenty days from the date of this order and bear the following notation: "Issued on one day's notice to the

public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1491, of date May 27, 1910."

Completed by supplement No. 6 to P. S. C. No. 6579, supplement No. 6 to P. S. C. No. 6580, and supplement No. 3 to P. S. C. No. 6581; effective June 17, 1910.

No. 1492; May 27, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish for today, May 27, 1910, passenger fares for one-way and round-trip of five and ten cents respectively, between Albany (Union station), N. Y., and Albany (Erie street), N. Y. Said fares to be made effective upon publication by posting two notices in the Union station at Albany, N. Y., immediately, and thereafter filing with the Commission its passenger tariff P. S. C., 2 N. Y., No. 488, containing statement of said fares. Said tariff shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 1492, of date May 27, 1910."

Completed by P. S. C. No. 488, effective May 27, 1910.

No. 1493; May 27, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 2282, of joint and proportional rates applying on miscellaneous commodities in carloads and less than carloads from points reached by the Empire Barge Line to stations on The Delaware and Hudson Company's railroad, by the issuance of supplement No. 4 thereto, correcting note No. 1 to read: "Rates from New York, N. Y., including lighterage, will apply from points within lighterage limits of New York Harbor specified in New York Central and Hudson River Railroad P. S. C., 2 N. Y., No. 7583, and supplements thereto or superseding issues thereof. The rules shown in this circular will also apply to shipments originating at Yonkers, N. Y." Said tariff shall be filed and posted within twenty days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1493, of date May 27, 1910."

Completed by supplement No. 4 to P. S. C. No. 2282, effective June 11, 1910.

No. 1494; May 28, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 7774, establishing therein a rate of fifty-five cents per ton of two thousand pounds on Iron Ore Tailings, carloads, minimum weight ninety per cent of the marked capacity of car, but not less than fifty-four thousand pounds, from Benson Mines, N. Y., to Adams, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1494, of date May 28, 1910."

Completed by P. S. C. No. 7774, effective June 3, 1910.

No. 1495; May 28, 1910; Rochester, Syracuse and Eastern Railroad Company:

Ordered: That the Rochester, Syracuse and Eastern Railroad Company be and is hereby authorized to amend, on three days' notice to the public and Commission, its passenger tariff of local and joint one-way and round-trip fares, P. S. C., 2 N. Y., No. 3, by the issuance of supplement No. 1 thereto, establishing therein fare of forty cents from Weedsport, N. Y., and fifty-five cents from Jordan, N. Y., applying to the sale of special round-trip excursion tickets to be sold daily except Sundays and holidays in lots of ten or more, to Auburn (Owasco Lake), N. Y., via Port Byron, Auburn and Northern Electric railroad, Auburn, N. Y., and Auburn and Syracuse Electric railroad; said

tickets to be good for transportation only on date of sale. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1495, of date May 28, 1910."

Not used; no tariff filed within the time limit specified.

No. 1496; May 31, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on five days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 7780, establishing therein a rate of eighty-five cents per two thousand two hundred forty pounds on Limestone or Fluxing Stone, carloads, minimum weight ninety per cent of the marked capacity of car, but not less than fifty-three thousand seven hundred sixty pounds, from Gouverneur, N. Y., to Medina, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1496, of date May 31, 1910."

Completed by P. S. C. No. 7780, effective June 4, 1910.

No. 1497; May 31, 1910; Western New York and Pennsylvania Traction Company:

Ordered: That the Western New York and Pennsylvania Traction Company be and is hereby authorized to issue, on five days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 106, establishing therein a rate of three dollars and fifty cents per car on Brick, Common, Fire, and Paving, carloads, maximum weight fifty thousand pounds, from East Olean, N. Y. (King street), to West Olean, N. Y. (Western Lumber Company's siding). Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1497, of date May 31, 1910."

Completed by P. S. C. No. 106, effective June 10, 1910.

No. 1498; June 1, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. D–1604, establishing therein a rate of four dollars per car on Ice, in carloads, at Geneva, N. Y., to apply from private sidings within station limits to the railroad company's freight-station platform. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1498, of date June 1, 1910."

Completed by P. S. C. No. D-1604, effective June 4, 1910.

No. 1499; June 1, 1910; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to issue, on three days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 340, establishing therein rate of twelve cents per can of forty quarts on Fluid Milk, less carloads, including free return of empty cans, with minimum charge of twenty-five cents per shipment, from Old Chatham, N. Y., Adams Crossing, N. Y., Brainard, N. Y., and Rayville, N. Y., to Center Lebanon, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1499, of date June 1, 1910."

Completed by P. S. C. No. 340, effective June 7, 1910.

No. 1500; June 1, 1910; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to cancel, on one day's notice to the public and Commission, its supplement No. 1 to passenger tariff P. S. C., 2 N. Y., No. 126, and to reissue the matter contained therein, making no change other than in its effective date, changing same to read June 23, 1910, instead of June 6, 1910. Said tariff shall be filed and posted within five days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1500, of date June 1, 1910."

Completed by supplement No. 2 to P. S. C. No. 126, effective June 23, 1910.

No. 1501; June 3, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 2065, of joint and proportional rates applying on miscellaneous commodities in carloads and less carloads, from points reached by the Manhattan Navigation Company to stations on The Delaware and Hudson Company's railroad, by the issuance of supplement No. 12 thereto, correcting note 1 to read: "Rates from New York, N. Y., including lighterage, will apply to points within lighterage limits of New York harbor specified in The New York Central and Hudson River Railroad Company's P. S. C., 2 N. Y., No. 7583, and supplements thereto and superseding issues thereof. The rules shown in this circular will also apply to shipments originating at Yonkers, N. Y." Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1501, of date June 3, 1910."

Completed by supplement No. 12 to P. S. C. No. 2065, effective June 11, 1910.

No. 1502; June 4, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2368, establishing therein a rate of one dollar and fifty cents per two thousand pounds on Common Brick, carloads, minimum weight as per official classification in effect at time of shipment, from Mechanicville, N. Y., to Cortland, N. Y., via Binghamton, N. Y., and the Delaware, Lackawanna and Western railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1502, of date June 4, 1910."

Completed by P. S. C. No. 2368, effective June 9, 1910.

No. 1503, superseding No. 1487; June 3, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to cancel, on one day's notice to the public and Commission, its freight tariff of rules and regulations relating to the holding of eastbound shipments in cars at Black Rock, N. Y., East Buffalo, N. Y., Elmira, N. Y., Waverly, N. Y., and Binghamton, N. Y., for reconsignment and diversion, P. S. C., 2 N. Y., No. 1046, and to reissue the matter contained therein, and make the tariff apply to the holding of eastbound carload shipments in cars and to apply upon all carload freight except Coal and Coke, amending Rule 1, last line, to read "forwarded at the local per one hundred pounds rates from Buffalo, N. Y., plus elevation," and to eliminate from Rule 3 the last sentence reading "Shipments will also be subject to car demurrage rules and regulations in effect at final destination." in its freight tariff P. S. C., 2 N. Y., No. 1053. Said tariff shall be filed and posted under an effective date of June 15, 1910, and bear the following nota-

tion: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1503, of date June 3, 1910."

Completed by P. S. C. No. 1053, effective June 15, 1910.

No. 1504; June 6, 1910; Little Falls and Dolgeville Railroad Company:

Ordered: That the Little Falls and Dolgeville Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 141, establishing therein joint rates applying on shipments of Iron Ore Tailings, in carloads, maximum weight not to exceed eighty thousand pounds and minimum weight in no case to be less than fifty-four thousand pounds, from Salisbury Center, N. Y., via Little Falls, N. Y., and New York Central and Hudson River railroad and West Shore railroad, the rates, in cents per two thousand pounds, to New York State stations as follows: New York Central and Hudson River railroad destinations: Herkimer, North Frankfort, North Ilion, Utica, St. Johnsville, Fort Plain, Palatine Bridge, Sprakers, Yosts, Fonda, 40; Whitesboro, Oriskany, Tribes Hill, Akin, Amsterdam, Hoffmans, 45; Rome, Greenway, Verona, Oneida, Schenectady, 50; Wampsville, Canastota, Sullivan, Chittenango, Kirkville, Minoa, East Syracuse, 55; Syracuse, Carman, Albany, Rensselaer, Troy, Aqueduct, 60; West Shore railroad destinations: Clarks Mills, 45; Hecla, Vernon, Sherrill, Oneida Castle, Wampsville, Frankfort, Ilion, 50; Canastota, Sullivan, Chittenango, and Kirkville, 55. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1504, of date June 6, 1910."

Completed by P. S. C. No. 141, effective June 9, 1910.

No. 1505; June 6, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on ten days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 2365, of joint and proportional rates on miscellaneous commodities in carloads and less than carloads, applying from The Delaware and Hudson Company's stations to points west of Buffalo in New York state, by the issuance of supplement No. 1 thereto, and provide therein for a rate of twenty-seven cents per one hundred pounds as applicable on shipments of Marble taking classification of Rule 26 as provided in official classification in effect at time of shipment. from Glens Falls, N. Y., to New York State points provided in tariff as taking reference Nos. 60 to 60-G inclusive. Said tariff shall be filed and posted under an effective date of July 5, 1910. and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1505, of date June 6, 1910."

Completed by supplement No. 1 to P. S. C. No. 2365, effective July 5, 1910.

No. 1506; June 6, 1910; Buffalo and Lake Erie Traction Company:

Ordered: That the Buffalo and Lake Erie Traction Company be and is hereby authorized to amend, on three days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. A-2, by the issuance of supplement No. 1 thereto, providing therein rates applying on shipments of Berries in crates of thirty-two quarts per crate, and on Eggs in cases or crates, thirty dozens to the crate or case, of twelve and one-half cents per crate or case, minimum charge for single shipment fifteen cents, in either direction between Buffalo, N. Y., and stations Athol Springs, N. Y., to Sheridan, N. Y., inclusive; and fifteen cents per crate or case with a minimum charge of twenty-five cents. in either direction between Buffalo, N. Y., and stations Dunkirk, N. Y., to Westfield, N. Y., inclusive; also rate of twelve and one-half cents per crate or case with a minimum charge of fifteen cents per single shipment, in either direction between Dunkirk, N. Y., and stations Sheridan, N. Y., to Angola, N. Y., inclusive, and Brocton, N. Y., to Ripley,

N. Y., inclusive. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1506, of date June 6, 1910."

Completed by supplement No. 1 to P. S. C. No. A-2, effective June 15, 1910.

No. 1507; June 9, 1910; Penn Yan, Keuka Park and Branchport Railway:

Ordered: That the Penn Yan, Keuka Park and Branchport Railway be and is hereby authorized to issue, on ten days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 17, to contain classifications governing the shipment of freight as now contained in official classification No. 36, issued by F. S. Holbrook, chairman of the Official Classification Committee. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1507, of date June 9, 1910."

Completed by P. S. C. No. 17, effective July 1, 1910.

No. 1508; June 9, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore Railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2074, establishing therein a rate of one dollar per ton of two thousand pounds on Building Brick, carloads, minimum weight as per official classification in effect at time of shipment, from Amboy, N. Y., to Cortland, N. Y., via Weedsport and the Lehigh Valley railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1508, of date June 9, 1910."

Completed by P. S. C. No. 2074, effective June 14, 1910.

No. 1509; June 11, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That the New York Central and Hudson River Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 6773, by the issuance of supplement No. 3 thereto, establishing therein a rate of nine cents per one hundred pounds on Excelsior, carloads, minimum weight as per official classification in effect at time of shipment, from Fulton, N. Y., to Watertown, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1509, of date June 11, 1910."

Completed by supplement No. 3 to P. S. C. No. 6773, effective June 18, 1910.

No. 1510; June 11, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel, on one day's notice to the public and Commission, its supplement No. 7 to freight tariff P. S. C., 2 N. Y., No. 4282, applying on Sand, in carloads, from stations on Ontario and St. Lawrence divisions to stations on its other divisions including stations on West Shore railroad, by the issuance of supplement No. 8 thereto, reissuing the matter contained in supplement No. 7, making no change therein other than to eliminate therefrom the rates in cents per two thousand pounds to Cambria, N. Y., from New York State stations Alder Creek, Barneveld, and Boonville, 100; Blossvale, Humaston, and McConnellsville, 85, account of same duplicat-

ing rates now contained in the tariff; also to eliminate the rates in cents per two thousand pounds from Blossvale, N. Y., and provide the same rates as applying from Boonville, N. Y., as follows: to Canastota, N. Y., Chittenango, N. Y., East Syracuse, N. Y., Kirkville, N. Y., Minoa, N. Y., Oneida, N. Y., Syracuse, N. Y., and Verona, N. Y., 60; to Rome, N. Y., 50. Said tariff shall be filed and posted under an effective date of June 17, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1510, of date June 11, 1910."

Completed by supplement No. 8 to P. S. C. No. 4282, effective June 17, 1910.

No. 1511; June 11, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to issue, on five days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1085, and provide therein a rate of one dollar per two thousand pounds on Crushed Stone, carloads, minimum weight as per official classification in effect at time of shipment, from Solvay, N. Y., and Syracuse, N. Y., to Kirkwood, N. Y., via Binghamton, N. Y., and the Erie railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1511, of date June 11, 1910."

Completed by P. S. C. No. 1085, effective June 20, 1910.

No. 1512; June 11, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to amend, on three days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 1605, by the issuance of its supplement No. 1 thereto, providing therein for the rates contained in tariff to apply on Building, Curb, and Flag Stone, in carloads, minimum weight as per official classification in effect at time of shipment, instead of on Curb and Flag Stone, in carloads. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1512, of date June 11, 1910."

Completed by supplement No. 1 to P. S. C. No. 1605, effective June 20, 1910.

No. 1513; June 13, 1910; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to amend, on three days' notice to the public and Commission, its passenger tariff P. S. C., 2 N. Y., No. 99, by the issuance of supplement No. 4 thereto, making no change therein other than as follows: Correct distances between Long Island City, N. Y., and various local stations to read, in miles, as follows:

Brooklyn Hills	7.6	Broad Channel	14.5
Woodhaven Junction	8.6	Hammel	15.7
Ozone Park	8.9	Holland	16.1
Aqueduct	10.3	Steeple Chase	16.4
Ramblersville	11.0	Seaside	16.6
Howard	11.8	Rockaway Park	17.3
Goose Creek	12.7	Lawrence	20.1
Arverne, Gaston avenue	16.5	Cedarhurst	21.0
Arverne, Straiton avenue	16.8	Woodmere	21.9
Edgemore	18.0	Hewlett	22.5
Far Rockaway	19.0	Valley Stream	24.1
The Raunt	13.7		

Said tariff shall be filed and posted under an effective date of June 23, 1910, and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1513, of date June 13, 1910."

Completed by supplement No. 4 to P. S. C. No. 99, effective June 23, 1910.

No. 1515; June 13, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 7797, establishing therein rates in cents per two thousand pounds applying to the shipment of Crushed Stone in carloads, minimum weight to be ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Chaumont, N. Y., to Sackets Harbor, N. Y., Edison, N. Y., Black River, N. Y., and Great Bend, N. Y., 45; to Adams, N. Y., and Carthage, N. Y., 50; and to Three Mile Bay, N. Y., 40. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1515, of date June 13, 1910."

Completed by P. S. C. No. 7797, effective June 17, 1910.

No. 1516; June 13, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 7796, establishing therein a rate of one dollar and forty cents per two thousand pounds on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from New Hamburg, N. Y., to Fulton, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1516, of date June 13, 1910."

Completed by P. S. C. No. 7796, effective June 17, 1910.

No. 1517; June 13, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on three days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1634, establishing therein joint rates in cents per two thousand pounds applying to the shipment of Crushed Stone and Refuse Building Stone, undressed or in the rough, in carloads, minimum weight to be marked capacity of the car, except when cars are loaded to their visible capacity, in which case actual weight will apply, but in no case to be less than forty thousand pounds, from Mumms, N. Y., to stations hereinafter named, of 100; and from Oriskany Falls, N. Y., 85: to Bridgewater, N. Y., Unadilla Forks, N. Y., West Winfield, N. Y., East Winfield, N. Y., Cedarville, N. Y., Miller's Mills, N. Y., and South Columbia, N. Y., via Utica, N. Y., and the Delaware, Lackawanna and Western railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1517, of date June 13, 1910."

Completed by P. S. C. No. 1634, effective June 18, 1910.

Case No. 918; June 15, 1910:

At a hearing held at the Chamber of Commerce building, Rochester, N. Y., on Thursday, June 9, 1910, at ten o'clock a. m., in the matter of the complaint of the Rochester Milk Exchange vs. various railroad corporations, upon statements given by the representatives of the Erie, Lehigh Valley, the New York Central and Hudson River, and the Pennsylvania Railroad companies, and the Buffalo, Rochester and Pittsburgh Railway Company, and for good cause shown, it was

Ordered: That the said carriers, the Erie, Lehigh Valley, the New York Central and Hudson River, and the Pennsylvania Railroad companies, and

the Buffalo, Rochester and Pittsburgh Railway Company, be authorized to issue, on one day's notice to the public and Commission, their several schedules under proper P. S. C., 2 N. Y., tariff numbers, establishing therein the same rates, to apply upon the shipment of Fresh Milk, Buttermilk, and Pot Cheese, and upon Cream and Condensed Milk, from points seventy-five miles or less distant from Rochester, N. Y., to Rochester, N. Y., as are now in force to Buffalo, N. Y., from points seventy-five miles or less distant therefrom. Said tariffs shall be filed and posted under an effective date not later than June 20, 1910, and bear the following notation; "Issued on one day's notice to the public and Commission under order of the Public Service Commission, Second District, State of New York, of date June 9, 1910, in Case No. 918."

Completed by Erie P. S. C. No. 1641; Lehigh Valley supplement No. 2 to P. S. C. No. D–1358; New York Central (see supplemental sheet); Pennsylvania P. S. C. No. 346; Buffalo, Rochester & Pittsburgh P. S. C. No. 245: all effective June 20, 1910.

Supplemental to Case No. 918; June 15, 1910; The New York Central and Hudson River Railroad Company:

Upon application of The New York Central and Hudson River Railroad Company for itself and its leased line the West Shore railroad, filed June 13, 1910, and for good cause shown, it is

Ordered: That the permission granted in Case No. 918 relating to Milk and Cream rates applying to Rochester, N. Y., from points seventy-five miles distant therefrom, be extended and made to apply between points within the territory located on The New York Central and Hudson River Railroad Company's main line and branches west of and including Oneida, N. Y., and Oswego, N. Y., also between Syracuse, N. Y., and Pulaski, N. Y., and between Syracuse, N. Y., and Oswego, N. Y.; on the West Shore Railroad main line between points west of and including Oneida Castle, N. Y., also between Syracuse, N. Y., and Earlville, N. Y., for points distant from one to seventy-five miles: that said rates may be included in tariff publications issued under authority of special permission order in Case No. 918.

Completed by supplement No. 4 to New York Central P. S. C. No. 353, and supplement No. 4 to West Shore P. S. C. No. 140, effective June 20, 1910.

No. 1519; June 16, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a notice as a supplement to the tariffs of freight rates hereinafter described, postponing until August 1, 1910, the effective date of tariffs in series G. O.— P. S. C., 2 N. Y., Nos. 260, 262, 273, 275, 285, 286, 287, 289, 290, 292, 293, 294, 295, 296, 298, 299, and 300; also upon same notice to the public and Commission to reissue, making no change therein other than to postpone the effective date until August 1, 1910, the following described supplements to tariffs in G. O.— P. S. C., 2 N. Y., series: No. 42 to No. 8; No. 1 to No. 201; No. 5 to No. 221; No. 4 to No. 224; No. 3 to No. 225; No. 2 to No. 246, and to S. S.— P. S. C., 2 N. Y., series: No. 20 to No. 101; No. 4 to No. 466; No. 8 to No. 510; No. 2 to No. 577; No. 1 to No. 611. Said tariffs shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1519, of date June 16, 1910."

Completed by supplement No. 1 to G. O.— P. S. C. Nos. 260, 262, 273, 275, 285, 286, 287, 289, 290, 292, 293, 296, 298, 299, and 300; supplements to tariffs in G. O. series as follows: No. 43 to P. S. C. No. 42, No. 2 to P. S. C. No. 201, No. 6 to P. S. C. No. 221, No. 5 to P. S. C. No. 224, No. 4 to P. S. C. No. 225, and No. 3 to P. S. C. No. 246: also supplement No. 2 to P. S. C. No. 189 (not included in original application); and supplements to tariffs in S. S. series as follows: No. 5 to P. S. C. No. 466, No. 9 to P. S. C. No. 510, and No. 2 to P. S. C. No. 611. As no New York intrastate rates were affected by supplement No. 20 to S. S.— P. S. C. No. 101 and supplement No. 2 to S. S.— P. S. C. No. 577, the effective date of these issues was not postponed. Effective July 5, 1910.

No. 1520; June 16, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a tariff as its P. S. C., 2 N. Y., No. 7802, establishing therein, on Gravel, carloads, minimum weight to be ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, freight rates in cents per two thousand pounds from Watertown, N. Y., as follows: To Adams, N. Y., 40; Pierrepont Manor, N. Y., and Mannsville, N. Y., 45; and Lacona, N. Y., 50. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1520, of date June 16, 1910."

Completed by P. S. C. No. 7802, effective June 21, 1910.

No. 1521; June 16, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its tariff of freight rates, G. O.—P. S. C., 2 N. Y., No. 277, by the issuance of supplement No. 1 thereto, making no change therein other than to correct page 3 under heading of Intermediate and Terminal Lines and show the Lehigh Valley Railroad Company as a participating carrier under proper concurrence form and number applicable to traffic subject to the supervision of this Commission. Said tariff shall be filed and posted under an effective date of June 20, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1521, of date June 16, 1910."

Completed by supplement No. 1 to G. O.—P. S. C. No. 77, effective June 20, 1910.

No. 1522; June 16, 1910; The Pennsylvania Railroad Company:

Ordered: That the Pennsylvania Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its freight tariff G. O.—P. S. C., 2 N. Y., No. 276, by the issuance of supplement No. 2 thereto, making no change therein other than to correct page 2 under heading of Intermediate and Terminal Lines, and show the Lehigh Valley Railroad Company as a participating carrier under proper concurrence form and number applying to traffic subject to the supervision of this Commission. Said tariff shall be filed and posted under an effective date of June 20, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1522, of date June 16, 1910."

Completed by supplement No. 2 to G. O.—P. S. C. No. 276, effective June 20, 1910.

No. 1523; June 16, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its tariffs of freight rates, G. O.—P. S. C., 2 N. Y., Nos. 266 and 284, by the issuance of supplements thereto or reissues thereof, making no changes therein other than those referring, in the governing clause, to the exceptions to the official classification, changing same to read: ". . . and by exceptions to said classification. G. O.—P. S. C., 2 N. Y., No. 150, supplements thereto and reissues thereof." Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1523, of date June 16, 1910."

Completed by G. O.—P. S. C. Nos. 303 and 304, effective July 5, 1910.

No. 1524; June 16, 1910; Boston and Maine Railroad:

Ordered: That the Boston and Maine Railroad be and is hereby authorized to issue, on one day's notice to the public and Commission, a notice as a supplement to the tariffs of freight rates hereinafter described, postponing until August 1, 1910, the effective date of P. S. C., 2 N. Y., Nos. 285, 413, and 414. Said tariffs shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1524, of date June 16, 1910."

Completed by supplement No. 6 to P. S. C. No. 285; supplement No. 1 to P. S. C. No. 413; and supplement No. 1 to P. S. C. No. 414; effective July 5, 1910.

No. 1525; June 16, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its tariff of freight rates, P. S. C., 2 N. Y., No. 2357, by the issuance of supplement No. 2 thereto, establishing a rate of fifteen cents per one hundred pounds on Liquid Road Binder, in barrels, in carloads, minimum weight thirty-six thousand pounds, and in tank cars, minimum weight marked capacity of tank, from Ausable Forks, N. Y., to Rochester, N. Y., via Schenectady, N. Y., and the New York Central and Hudson River railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1525, of date June 16, 1910."

Completed by supplement No. 2 to P. S. C. No. 2357, effective July 23, 1910.

No. 1526; June 17, 1910; Central New England Railway Company:

Ordered: That the Central New England Railway Company be and is hereby authorized to issue, on three days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 534, establishing a rate of fifty cents per two thousand pounds on Crushed Stone, carloads, minimum weight forty thousand pounds, from Poughkeepsie, N. Y., to Modena, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1526, of date June 17, 1910."

Completed by P. S. C. No. 534, effective June 26, 1910.

No. 1527; June 17, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a notice as a supplement to various freight rate schedules hereinafter described, postponing until August 1, 1910, the effective date of tariffs P. S. C., 2 N. Y., Nos. 554, 555, 558, 559, and 561. Said tariffs shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1527, of date June 17, 1910."

Completed by supplements Nos. 1 to P. S. C. Nos. 554, 555, 558, 559, and 561, effective June 25, 1910.

No. 1528; June 17, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a notice as a supplement to its freight tariff P. S. C., 2 N. Y., No. 1531, postponing until August 1, 1910, the effective date of the schedule issued as supplement No. 3 thereto. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special per-

mission of the Public Service Commission, Second District, State of New York, No. 1528, of date June 17, 1910."

Completed by supplement No. 4 to P. S. C. No. 1531, effective August 1, 1910, and supplement No. 5 to P. S. C. No. 1531, effective July 5, 1910.

No. 1529; June 17, 1910; Boston and Maine Railroad:

Ordered: That the Boston and Maine Railroad be and is hereby authorized to cancel, on one day's notice to the public and Commission, its supplement No. 4 to passenger tariff P. S. C., 2 N. Y., No. 17, and to reissue the matter contained therein, making no change other than to correct error in P. S. C., 2 N. Y., number of tariff referred to wherein future rates will be found, changing same from P. S. C., 2 N. Y., No. 147 to read P. S. C., 2 N. Y., No. 149. Said tariff shall be filed and posted under an effective date of July 1, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1529, of date June 17, 1910."

Completed by supplement No. 5 to P. S. C. No. 17, effective July 1, 1910.

No. 1530; June 17, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized, on one day's notice to the public and Commission, to issue schedules as supplement No. 4 to passenger tariff P. S. C., 2 N. Y., No. 26, in lieu of supplement No. 3 rejected by Commission, and canceling supplement No. 2 and passenger tariff P. S. C., 2 N. Y., No. 514; also supplement No. 1 to passenger tariff P. S. C., 2 N. Y., No. 331. Said issues to contain the matter now contained in the tariff and supplement hereinbefore referred to which are to be canceled, making no change other than such as is necessary to correct the fares between West Kendall, N. Y., and Brice, N. Y., and between West Kendall, N. Y., and Kendall, N. Y., which fares through error were transposed, thereby affecting the fares between West Kendall, N. Y., and all points shown in tariff P. S. C., 2 N. Y., No. 514. Said tariffs shall be filed and posted within ten days from the date of this order and bear the following notation: Issued on one day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1530, of date June 17, 1910."

Completed by supplement No. 4 to P. S. C. No. 26, and supplement No. 2 to P. S. C. No. 331, effective June 27, 1910.

No. 1531; June 17, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a notice as a supplement to freight tariffs P. S. C., 2 N. Y., Nos. 2365, 2130, postponing until August 1, 1910, the effective date thereof. Said tariffs shall be filed and posted under an effective date not later than July 5, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1531, of date June 17, 1910."

Completed by supplement No. 2 to P. S. C. No. 2365, and supplement No. 8 to P. S. C. No. 2130, effective July 5, 1910, and supplement No. 9 to P. S. C. No. 2130, effective August 1, 1910.

No. 1532; June 17, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1635, establishing rates in cents per two thousand pounds to apply upon shipments of Crushed Stone, carloads, minimum weight as per official classification in effect at time of shipment, from Suffern, N. Y., to New York State points as follows: Central Valley and Highland Mills, 50; Woodbury, Mountainville, Enderlin, Craigville, Houghton Farm, 55; Newburgh, Salisbury Mills, Washingtonville, Blooming Grove,

New Windsor, Campbell Hall, Kipps Station, Florida, Orange Farm, Howells, 60; Bullville, Pine Bush, Pine Island, Circleville, Thompson Ridge, Otisville, 65; also, in connection with the New York, Susquehanna and Western Railroad Company, to Unionville, West Town, Johnsons, Slate Hill, and Pounds Station, 65. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1532, of date June 17, 1910."

Completed by P. S. C. No. 1635, effective June 24, 1910.

No. 1533; June 18, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three days' notice to the public and Commission, a tariff of joint freight rates as its P. S. C., 2 N. Y., No. 1640, establishing therein a joint rate of sixty cents per two thousand pounds applying on shipments of Ice. carloads, minimum weight as per official classification in effect at time of shipment, from Perry, N. Y., to Batavia, N. Y., via Silver Lake railway, Silver Springs, N. Y., and Erie railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1533, of date June 18, 1910."

Completed by P. S. C. No. 1640, effective June 24, 1910.

No. 1534; June 20, 1910; Dunkirk, Allegheny Valley and Pittsburgh Railroad (The New York Central and Hudson River Railroad Company, Lessee; operated by The Lake Shore and Michigan Southern Railway Company):

Ordered: That the Dunkirk, Allegheny Valley and Pittsburgh Railroad (The New York Central and Hudson River Railroad Company, lessee; operated by The Lake Shore and Michigan Southern Railway Company) be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a cancellation notice as a supplement to its freight tariff P. S. C., 2 N. Y., No. 124, canceling the matter contained in its supplement No. 5 thereto; and to freight tariff P. S. C., 2 N. Y., No. 130, canceling the matter therein and restoring rates to its freight tariff No. 115 and supplements Nos. 6 and 8 thereto. Said tariffs shall be filed and posted under an effective date of not later than June 30, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1534, of date June 20, 1910."

Completed by supplement No. 6 to P. S. C. No. 124, and supplement No. 1 to P. S. C. No. 130: effective July 1, 1910.

No. 1535; June 20, 1910; The Lake Shore and Michigan Southern Railway Company:

Ordered: That The Lake Shore and Michigan Southern Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a notice as a supplement to its various freight tariffs hereinafter specified, canceling the matter contained in its supplement No. 5 to P. S. C., 2 N. Y., No. 226; supplement No. 2 to P. S. C., 2 N. Y., No. 229; supplement No. 13 to P. S. C., 2 N. Y., No. 213; supplement No. 11 to P. S. C., 2 N. Y., No. 203; supplement No. 7 to P. S. C., 2 N. Y., No. 218; and restoring rates to those contained in said tariffs and supplements. in effect thereto prior to July 1, 1910. Said tariffs shall be filed and posted under an effective date of not later than June 30, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District. State of New York, No. 1535, of date June 20, 1910."

Completed by supplement No. 6 to P. S. C. No. 26; supplement No. 3 to P. S. C. No. 229; supplement No. 15 to P. S. C. No. 213; supplement No.

12 to P. S. C. No. 203; and supplement No. 8 to P. S. C. No. 218: effective July 1, 1910.

No. 1536; June 20, 1910; The New York, New Haven and Hartford Railroad Company:

Ordered: That The New York, New Haven and Hartford Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a notice as its supplement No. 7 to its tariff of freight rates P. S. C., 2 N. Y., No. 183, postponing until August 1, 1910, the effective date of supplement No. 6 thereto, and the Commission hereby waives its regulations governing the issuance of supplements to tariffs of less than five pages, or the number or volume of existing supplements to said tariffs. Said tariff shall be filed and posted under an effective date not later than July 5, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1536, of date June 20, 1910."

Completed by supplement No. 7 to P. S. C. No. 183, effective July 5, 1910.

No. 1537; June 20, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a notice as a supplement to its tariff of freight rates P. S. C., 2 N. Y., No. 7765, postponing until August 1, 1910, the effective date thereof, and the Commission hereby waives its regulations governing the issuance of supplements to tariffs of less than five (5) pages, or the number or volume of existing supplements to said tariffs. Said tariff shall be filed and posted on an effective date of not later than June 30, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1537, of date June 20, 1910."

Completed by supplement No. 1 to P. S. C. No. 7765, effective July 1, 1910.

No. 1538; June 20, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a notice as a supplement to the tariffs of freight rates as hereinafter specified, postponing until August 1, 1910, the effective date thereof, as follows: freight tariffs P. S. C., 2 N. Y., Nos. 7776, 7772, 7775, 7764, 7777, 7769, 7770, 7766, supplement 4 to 6420, and supplement 6 to 6404, and the Commission hereby waives its regulations governing the issuance of supplements to tariffs of less than five (5) pages or the number or volume of existing supplements to such tariffs. Said tariffs shall be filed and posted under an effective date of not later than July 4, 1910, and bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 1538, of date June 20, 1910."

Completed by supplement No. 1 to P. S. C. Nos. 7764, 7766, 7769, 7770, 7772, 7775, 7776, and 7777; supplement No. 7 to P. S. C. No. 6404, and supplement No. 5 to P. S. C. No. 6420: effective July 1, 1910.

No. 1539; June 20, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a notice as supplement to its tariff of freight rates P. S. C., 2 N. Y., No. 7070, postponing until August 1, 1910, the effective date thereof, and the Commission hereby waives its regulations governing the issuance of supplements to tariffs of less than five (5) pages or the

number or volume of existing supplements to such tariffs. Said tariff shall be filed and posted under an effective date of not later than July 4, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1539, of date June 20, 1910."

Completed by supplement No. 9 to P. S. C. 7070, effective July 1, 1910.

No. 1540; June 20, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a notice as a supplement to its tariff of freight rates, P. S. C., 2 N. Y., No. 2065, postponing until August 1, 1910, the effective date thereof, and the Commission hereby waives its regulations governing the issuance of supplements to tariffs of less than five (5) pages, or the number or volume of existing supplements to said tariffs. Said tariff shall be filed and posted on an effective date of not later than June 30, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1540, of date June 20, 1910."

Completed by supplement No. 1 to P. S. C. No. 2065, effective July 1, 1910.

No. 1541; June 20, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a notice as a supplement to the tariffs of freight rates as hereinafter specified, postponing until August 1, 1910, the effective date thereof, as follows: freight tariffs P. S. C., 2 N. Y., Nos. 2069, 2066, 2067, supplement 3 to 1650, and supplement 3 to 1663; and the Commission hereby waives its regulations governing the issuance of supplements to tariffs of less than five (5) pages or the number or volume of existing supplements to such tariffs. Said tariffs shall be filed and posted under an effective date of not later than July 4, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1541, of date June 20, 1910."

Completed by supplement No. 1 to P. S. C. Nos. 2066, 2067, and 2069; and supplement No. 4 to P. S. C. Nos. 1650 and 1663: effective July 1, 1910.

No. 1542; June 20, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a notice as a supplement to its tariff of freight rates P. S. C., 2 N. Y., No. 1836, postponing until August 1, 1910, the effective date thereof, and the Commission hereby waives its regulations governing the issuance of supplements to tariffs of less than five (5) pages or the number or volume of existing supplements to such tariffs. Said tariff shall be filed and posted under an effective date of not later than July 4, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1542, of date June 20, 1910."

Completed by supplement No. 8 to P. S. C. No. 1836, effective July 1, 1910.

No. 1543; June 20, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public

and Commission, a notice as a supplement to its tariffs of freight rates, as hereinafter specified, postponing the effective date thereof until August 1, 1910, as follows: supplements to tariffs issued to take effect July 1, 1910, on which the effective date is extended to August 1, 1910, namely: tariffs P. S. C., 2 N. Y., supplement 1 to 928; tariffs issued to take effect July 5, 1910, on which effective date is extended to August 1, 1910, namely: P. S. C., 2 N. Y., Nos. 1058, 1059, 1065, 1066, 1067, 1068, 1074, 1052, 1057, 1069, 1070, 1060, 1056, 1061, 1063, 1064, 1075, 1050, 1049, 1071; and supplements to tariffs issued to take effect July 5, 1910, on which effective date is extended to August 1, 1910, P. S. C., 2 N. Y., Nos. supplement 3 to 988, supplement 6 to 453, supplement 3 to 995; and the Commission hereby waives its regulations governing the issuance of supplements to tariffs of less than five (5) pages, or the number or volume of existing supplements to such tariffs. Said tariffs shall be filed and posted under an effective date of not later than June 30, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1543, of date June 20, 1910."

Completed by supplement No. 1 to P. S. C. Nos. 1049, 1050, 1052, 1056, 1057, 1058, 1059, 1060, 1061, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1074, and 1075, effective July 5, 1910; supplement No. 7 to P. S. C. No. 453; supplement No. 2 to P. S. C. No. 928; supplement No. 4 to P. S. C. No. 988; and supplement No. 4 to P. S. C. No. 995: effective July 1, 1910.

No. 1544; June 20, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a notice as a supplement to its tariffs of freight rates hereinafter specified, postponing the effective date thereof from July 1 and July 5, 1910, to August 1, 1910, as follows: freight tariffs P. S. C., 2 N. Y., Nos. 1628, 1629, 1630, 1631, 1632, 1633, and supplement No. 5 to 1471, supplement No. 4 to 1553, and supplement No. 6 to 1560; and the Commission hereby waives its regulations governing the issuance of supplements to tariffs of less than five (5) pages, or the number or volume of existing supplements to such tariffs. Said tariffs to be filed and posted under an effective date of not later than June 30, 1910, and bear the following notation: "Issued under one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1544, of date June 20, 1910."

Completed by supplement No. 1 to P. S. C. Nos. 1628, 1629, 1630, 1631, 1632, and 1633; supplement No. 6 to P. S. C. No. 1471; supplement No. 5 to P. S. C. No. 1553; and supplement No. 6 to P. S. C. No. 1560: effective July 1, 1910.

No. 1545; June 20, 1910; New York, Ontario and Western Railroad Company:

Ordered: That the New York, Ontario and Western Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1637, establishing therein rate of twenty (20) cents per ton of 2000 pounds on Sand, in carloads, minimum weight 40,000 pounds, to apply as a switching charge from points on its tracks in yard limits of Fulton, N. Y., to its track connection with the New York Central at Fulton, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1545, of date June 20, 1910."

Completed by P. S. C. No. 1637, effective June 25, 1910.

No. 1545; June 21, 1910; The New York, Chicago and St. Louis Railroad Company:

Ordered: That The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public

and Commission, a notice as a supplement to its freight tariffs P. S. C., 2 N. Y., Nos. 255, 253, 195, 230, canceling the matter contained in supplements thereto, as follows: Nos. 1 to 253, 3 to 255, 4 to 195, and 4 to 230, restoring rates to those contained in said tariffs and supplements in effect thereto prior to July 1, 1910. Said tariffs shall be filed and posted under an effective date of not later than June 30, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1545, of date June 21, 1910."

Completed by supplement No. 5 to P. S. C. No. 195, supplement No. 5 to P. S. C. No. 230, supplement No. 2 to P. S. C. No. 253, and supplement No. 4 to P. S. C. No. 255: effective July 1, 1910.

No. 1546; June 21, 1910; Boston and Albany Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the Boston and Albany railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a notice as a supplement to the tariffs of freight rates hereinafter specified, postponing until August 1, 1910, the effective date thereof, as follows: freight tariffs P. S. C., 2 N. Y., Nos. 199 and 200, and supplement No. 5 to freight tariff P. S. C., N. Y., No. 153; and the Commission hereby waives its regulations governing the issuance of supplements to tariffs of less than five pages, or the number or volume of existing supplements to said tariffs. Said tariffs shall be filed and posted under an effective date of not later than July 4, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1546, of date June 21, 1910."

Completed by supplement No. 6 to P. S. C. No. 153; supplement No. 1 to P. S. C. No. 199; and supplement No. 1 to P. S. C. No. 200: effective July 4, 1910.

No. 1547; June 21, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a notice as a supplement to tariffs of freight rates, as hereinafter specified, postponing the effective date thereof until August 1, 1910, as follows: freight tariffs P. S. C., 2 N. Y., Nos. D-1587, D-1595, D-1600, D-1597, D-1598, D-1599, D-1608, D-1601, D-1602, D-1603, D-1605, D-1609, D-1607, and supplements Nos. 1 to D-1132, D-1142, D-1343 and D-1417, and supplement No. 2 to D-1337, and supplement No. 4 to D-1478; and the Commission hereby waives its regulations governing the issuance of supplements to tariffs of less than five pages or the number or volume of existing supplements to said tariffs. Said tariffs shall be filed and posted under an effective date of not later than July 4, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1547, of date June 21, 1910."

Completed by supplements Nos. 1 to P. S. C. Nos. D-1587, D-1595, D-1600, D-1597, D-1598, D-1599, D-1608, D-1601, D-1602, D-1603, D-1605, D-1609 and D-1607, supplements No. 3 to D-1337, and No. 5 to D-1478: effective July 5, 1910; supplements Nos. 2 to D-1332, D-1142, D-1343, and D-1417 rejected

No. 1548; June 24, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 7781, by the issuance of supplement No. 1 thereto, making the following changes therein: correcting rate on Common and Building Brick, from Corning, N. Y., to Black Rock, N. Y., East Buffalo, N. Y., and East Buffalo Stock Yards

(New York Central and Hudson River Railroad or West Shore Railroad delivery), N. Y., to read $1.05 per 2000 pounds instead of $1.15; to Camillus, N. Y., $1.30 instead of $1.05; to Cold Spring, N. Y., $2.00 instead of $1.05; to Geneva, N. Y., $1.00 instead of $1.30; also to add Rhinecliff, N. Y., at rate of $2.00 per 2000 pounds, to list of destinations, and to correct Ridgeland, Rippleton, and Woodlawn and show these points as being located in the State of New York instead of in the State of New Jersey. Said tariff shall be filed and posted under an effective date of not later than July 1, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1548, under date June 24, 1910."

Supplement No. 1 to P. S. C. 7781, issued to complete this order, effective July 1, 1910, rejected by Commission.

No. 1549; June 24, 1910; Erie Railroad Company (Lines West of Buffalo and Salamanca, N. Y.):

Ordered: That the Erie Railroad Company (lines, Buffalo, Salamanca and west thereof) be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a notice as a supplement to its freight tariffs, P. S. C., 2 N. Y., Nos. A-265, A-39, and A-206, canceling the matter contained in freight tariff P. S. C., 2 N. Y., No. A-265, and continuing in force the rates contained in P. S. C., 2 N. Y., No. A-225, which tariff was to be canceled thereby, and to cancel supplement No. 94 to tariff P. S. C., 2 N. Y., No. A-39, and supplement No. 10 to tariff P. S. C., 2 N. Y., No. A-206, continuing in force the rates which were to be canceled thereby, as contained in said tariffs and supplements in force prior to July 1, 1910. Said tariffs shall be filed and posted under an effective date of not later than June 30, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1549, of date June 24, 1910."

Completed by supplement No. 1 to A-265; supplement No. 95 to P. S. C. No. A-39; and supplement No. 11 to P. S. C. No. A-206: effective July 1, 1910.

No. 1550; June 24, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2378, establishing therein rate of $1.25 per 2000 pounds on Iron Ore Tailings, in carloads, minimum weight 40,000 pounds, from Lyon Mountain, N. Y., to Hoosick Falls, N. Y., via Mechanicville, N. Y., and Boston and Maine railroad. Said tariff shall be filed and posted within ten (10) days from the date of this order, and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1550, of date June 24, 1910."

Completed by P. S. C. No. 2378, effective June 30, 1910.

No. 1551; June 27, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on three days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 566, establishing a rate of thirty cents per two thousand pounds on Crushed Stone, in carloads, minimum weight forty thousand pounds, from LeRoy, N. Y., including siding of General Crushed Stone Company, and Lime Rock, N. Y., to the siding located on tracks of the Genesee and Wyoming railway near its connection with The New York Central and Hudson River Railroad Company's tracks at G. & W. Junction, via P. & L. Junction and the Genesee and Wyoming railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public

Service Commission, Second District, State of New York, No. 1551, of date June 27, 1910."

Completed by P. S. C. No. 566, effective July 2, 1910.

No. 1552; June 27, 1910; The Chautauqua Traction Company:

Ordered: That The Chautauqua Traction Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a passenger fare schedule as its tariff P. S. C., 2 N. Y., No. 71, establishing a rate of four dollars applying to the sale of twenty-trip commutation tickets good for individual or party use between Jamestown, N. Y., and Chautauqua, N. Y., or stations intermediate thereto; also a rate of five dollars applying to the sale of the same kind of a ticket good between Jamestown, N. Y., and Mayville, N. Y., or points intermediate thereto. Such tickets to be issued with a final expiration limit of September 15, 1910. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1552, of date June 27, 1910."

Completed by P. S. C. No. 71, effective July 1, 1910.

No. 1553; June 28, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a tariff of local freight rates as its P. S. C., 2 N. Y., No. 7705, establishing therein a rate of forty cents per two thousand pounds on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car but not less than fifty-four thousand pounds, from Chaumont, N. Y., to Dexter, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1553, of date June 28, 1910."

Completed by P. S. C. No. 7705, effective July 2, 1910.

No. 1554; June 29, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1644, establishing therein a rate of six dollars per car to apply as a switching charge on shipments of Crushed Stone in either direction between industries at Newburgh Junction, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1554, of date June 29, 1910."

Completed by P. S. C. No. 1658, in lieu of P. S. C. No. 1644 rejected; effective July 9, 1910.

No. 1555; June 29, 1910; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to reissue, under proper P. S. C., 2 N. Y., number, on three days' notice to the public and Commission, its tariff of local freight rates, P. S. C., 2 N. Y., No. 214, making no change therein except to add thereto rate of seventy cents per cubic cord on Log Butts, Corner Wood, Slabs, and Cord Wood, in carloads, minimum twelve cubic cords, from St. Regis Falls, N. Y. to Santa Clara, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1555, of date June 29, 1910."

Completed by P. S. C. No. 226, effective July 8, 1910.

No. 1556; June 30, 1910; The Pennsylvania Railroad Company:

Ordered: That the Pennsylvania Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a notice as its supplement No. 1 to joint freight tariff P. S. C., 2 N. Y., No. 297, applying on Oil, Petroleum, and Petroleum Products, in carloads, from various New York State points on Pennsylvania railroad to various New York State points west of Buffalo, N. Y., on connecting railroads, canceling the rates contained therein issued to become effective July 1, 1910, and restoring said rates to those shown in joint freight tariff S. S.–P. S. C., 2 N. Y., No. 593, which rates are now in force. Said tariff shall be filed and posted under an effective date of July 1, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1556, of date June 30, 1910."

Completed by supplement No. 1 to G. O.—P. S. C. No. 297, effective July 1, 1910.

No. 1557; July 1, 1910; Western New York and Pennsylvania Traction Company:

Ordered: That the Western New York and Pennsylvania Traction Company be and is hereby authorized to issue, on five days' notice to the public and Commission, a tariff of freight rates as its P. S. C., 2 N. Y., No. 109, establishing on Sand, in carloads, minimum weight as per official classification in effect at time of shipment, rate of thirty cents per two thousand pounds from Allegany, N. Y., to Olean, N. Y., and rate of forty cents per two thousand pounds from Allegany, N. Y., to Portville, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1557, of date July 1, 1910."

Completed by P. S. C. No. 109, effective July 12, 1910.

No. 1558; July 1, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 442, by the issuance of supplement No. 12 thereto, and establish therein a rate of seventy-five cents per two thousand pounds on Crushed Stone, carloads, minimum weight to be marked capacity of car, except when cars are loaded to their visible capacity actual weight will govern, but in no case shall the minimum be less than forty thousand pounds, from Syracuse (Rock Cut), N. Y., to Richfield Springs, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1558, of date July 1, 1910."

Completed by supplement No. 12 to P. S. C. No. 442, effective July 3, 1910.

No. 1559; July 1, 1910; Central New England Railway Company:

Ordered: That the Central New England Railway Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a notice amending its tariff of freight rates P. S. C., 2 N. Y., No. 478, exceptions to official classification, by the issuance of supplement No. 5 thereto, providing therein for the extension of effective date of supplement No. 4 from July 5, 1910, to August 1, 1910. Said tariff shall be filed and posted under an effective date of July 4, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1559, of date July 1, 1910."

Completed by supplement No. 5 to P. S. C. No. 478, effective July 4, 1910.

No. 1560; July 2, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 7812, establishing a rate of sixty cents per two thousand pounds on Cement and Concrete Building Blocks, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Utica, N. Y., to Remsen, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1560, of date July 2, 1910."

Completed by P. S. C. No. 7812, effective July 9, 1910.

No. 1561; July 2, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 7813, establishing a rate of forty-five cents per two thousand pounds on Gravel and Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Gouverneur, N. Y., to Heuvelton, N. Y., Eben, N. Y., Potsdam, N. Y., Norwood, N. Y., Plumbrook, N. Y., and Massena Springs N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1561, of date July 2, 1910."

Completed by P. S. C., No. 7813, effective July 11, 1910.

No. 1562; July 2, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, on one day's notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 7809, applying on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Chaumont, N. Y., to points in New York state, the rates in cents per two thousand pounds as follows:

Rensselaer Falls	65	Oswegatchie	65
Heuvelton	65	Benson Mines	65
Canton	65	Newton Falls	75
Eben	75	Deer River	50
Potsdam	75	Castorland	50
Norwood	75	Lowville	55
Plumbrook	75	Martinsburg	55
Massena Springs	85	Glenfield	55
Oswego	65	Lyons Falls	65
Fulton	75	Port Leyden	65
Phoenix	75	Denley	65
Woodard	75	Boonville	65
Liverpool	75	Alder Creek	75
Syracuse	75	Remsen	75
Scriba	65	Prospect	75
New Haven	65	Barneveld	75
Mexico	55	Holland Patent	75
Daysville	55	Stittville	75
Pulaski	55	Marcy	75
Fernwood	55	Utica	75
Maple View	55	Brewerton	65
Parish	55	Clay	75
Hastings (Oswego Co.)	65	Richland	55
Mallory	65	Altmar	55
Central Square	65	Kasoag	55
Harrisville	55	Williamstown	55
Bacon	55	Westdale	65
Kalurah	55	Camden	65
Jayville	55	McConnellsville	65
Aldrich	65	Blossvale	65

Humaston	75	Orleans Corners	55
Rome	75	Lafargeville	55
Lacona	50	Clayton	55
Mannsville	50	Theresa	50
Pierrepont Manor	50	Redwood	55
Rices	45	Oakvale	55
Brownville	40	Hammond	55
Limerick	40	Brier Hill	65
Rosiere	40	Morristown	65
Cape Vincent	45	Ogdensburg	75
Alversons	45	Antwerp	50
Felts Mills	45	Keenes	55
Natural Bridge	55	Gouverneur	55
Diana	55	Hailesboro	55
Lake Bonaparte	55	Emeryville	55
Sanfords	45	Hyatt	55
Evans	45	Talcville	55
Philadelphia	50	Edwards	65
Sterlingville	50	Richville	55
Stroughs	50	De Kalb Junction	65

Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1562, of date July 2, 1910."

Completed by P. S. C. No. 7809, effective July 11, 1910.

No. 1563; July 5, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 7815, establishing therein a rate of forty cents per two thousand pounds on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Utica, N. Y., to White Lake, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1563, of date July 5, 1910."

Completed by P. S. C. No. 7815, effective July 11, 1910.

No. 1564; July 5, 1910; Oneida Railway Company:

Ordered: That the Oneida Railway Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a passenger tariff of joint one-way fares as its P. S. C., 2 N. Y., No. 18, establishing to Sylvan Beach, N. Y., via Oneida railway and New York, Ontario and Western railway, one-way excursion ticket fares in cents from New York state stations as follows:

Canastota	32	South Utica	59
Chittenango	43	Syracuse	70
Clark Mills	48	Utica	64
Hecla	41	Vernon	32
Kirkville	50	Wampsville	27
Manlius Center	55		

Tickets to be good on date of sale or following day. Children under five years of age, when accompanied by parent or guardian, free; five years of age and under twelve years of age, half fare, adding the amount necessary to avoid fractional part of a cent in half fares. Said tariff to expire with close of excursion season at Sylvan Beach, N. Y., unless sooner canceled, changed, or extended, and to be filed and posted within ten days from the date of this order, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1564, of date July 5, 1910."

Completed by P. S. C. No. 18, effective July 8, 1910.

No. 1565; July 7, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to

issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2080, establishing therein rate of seventy-five cents per two thousand pounds on Sand and Gravel, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Newburgh, N. Y., to Gardiner, N. Y., and Wallkill, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1565, of date July 7, 1910."

Completed by P. S. C. No. 2080, effective July 11, 1910.

No. 1566; July 7, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 1660, establishing therein a rate of fifty cents per two thousand pounds on Ice, in carloads, minimum weight fifty thousand pounds unless marked capacity of car is less, in which case marked capacity will govern, but in no case will the minimum weight be less than forty thousand pounds, from Reulings Switch, N. Y., to Port Jervis, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1566, of date July 7, 1910."

Completed by P. S. C. No. 1660, effective July 10, 1910.

No. 1567; July 7, 1910; Central New England Railway Company:

Ordered: That the Central New England Railway Company be and is hereby authorized to issue, on five days' notice to the public and Commission, an inter-division passenger tariff as its P. S. C., 2 N. Y., No. 212, establishing therein fares applying in either direction between all stations on Central New England railway, main line, Rhinecliff, and N., D. & C. divisions. Said fares to in no case exceed combination of fares shown in passenger tariffs P. S. C., 2 N. Y., Nos. 204, 205, and 207. Said tariff shall be filed and posted under an effective date of August 1, 1910, and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1567, of date July 7, 1910."

Completed by P. S. C. No. 212, effective Aug. 1, 1910.

No. 1568; July 7, 1910; Central New England Railway Company:

Ordered: That the Central New England Railway Company be and is hereby authorized to cancel, on five days' notice to the public and Commission, supplement No. 4 to local passenger tariff P. S. C., 2 N. Y., No. 70, by the issuance of supplement No. 5 thereto, and reissue therein, effective August 1, 1910, the matter now contained in supplement No. 4, making no change except to show correct references to tariffs in which will be found fares between New York state stations now shown in tariff P. S. C., 2 N. Y., No. 70. Said tariff shall be filed and posted and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1568, of date July 7, 1910."

Completed by supplement No. 5 to P. S. C. No. 70, effective Aug. 1, 1910.

No. 1569; July 8, 1910; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to cancel, on one day's notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 281, applying on Milk, Buttermilk, Cream, and Pot Cheese (when shipped on milk trains), from Rutland railroad stations as named to Melrose Junction, N. Y., in connection with The New

York Central and Hudson River Railroad Company, via Norwood, N. Y., by the issuance of tariff P. S. C., 2 N. Y., No. 351, which shall be a reissuance of the matter contained therein without change, except to add Irona, N. Y., and Altona, N. Y., to the list of points from which rates apply. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1569, of date July 8, 1910."

Completed by P. S. C. No. 351, effective July 16, 1910.

No. 1570; July 8, 1910; United Traction Company:

Ordered: That the United Traction Company be and is hereby authorized to cancel, on five days' notice to the public and Commission, its passenger tariff P. S. C., 2 N. Y., No. 2, by the issuance of a passenger tariff as its P. S. C., 2 N. Y., No. 3, reissuing therein without change the fares and regulations now contained in tariff P. S. C., 2 N. Y., No. 2, except to substitute for the regulation now reading: "Transfers are given upon request on payment of cash fares to connecting lines operated by the United Traction Company, no transfers issued on a transfer," the following:

"No transfer will be issued upon a transfer.

"No transfer will be given upon payment of a five-cent fare northbound from Garbrance lane or southbound from Cemetery, except to a passenger actually boarding the northbound car at Garbrance lane or north thereof or the southbound car at Cemetery or south thereof.

"A northbound passenger arriving at Schuyler's bridge upon a transfer will not be entitled, when riding beyond in the same car and paying a five-cent fare, to a transfer in Troy, N. Y.

"A southbound passenger arriving at Garbrance lane upon a transfer, will not be entitled, when riding beyond in the same car and paying a five-cent fare, to a transfer in Albany, N. Y."

Said tariff shall be filed and posted within five days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1570, of date July 8, 1910."

Completed by P. S. C. No. 3, effective July 16, 1910.

No. 1571; July 9, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 7781, by the issuance of supplement No. 2 thereto, making the following changes therein, correcting rates per two thousand pounds on Common and Paving Brick, from Corning, N. Y., to Black Rock, N. Y., East Buffalo, N. Y., and East Buffalo Stock Yards (New York Central and Hudson River railroad or West Shore railroad delivery), N. Y., to read $1.05 instead of $1.15; to Camillus, N. Y. (New York Central and Hudson River railroad delivery), $1.30 instead of $1.05; to Cold Spring, N. Y. (New York Central and Hudson River railroad delivery), $2.00 instead of $1.05; to Geneva, N. Y. (New York Central and Hudson River railroad delivery), $1.00 instead of $1.30; also to add Rhinecliff, N. Y., to list of destinations at rate of two dollars per two thousand pounds; also to correct Ridgeland, N. J., Rippleton, N. J., and Woodlawn, N. J., to show these points as being located in the State of New York instead of in the State of New Jersey. Said tariff shall be filed and posted within five days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1571, of date July 9, 1910."

Completed by supplement No. 2 to P. S. C. No. 7781, effective July 15, 1910.

No. 1572; July 11, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company for itself and its leased line the West Shore railroad, be and is hereby authorized to amend, on not less than fifteen days' notice to the public and Commission, its tariffs of freight rates, New York Central and Hudson River Railroad Company P. S. C., 2 N. Y., No. 7775 and West Shore railroad P. S. C., 2 N. Y., No. 2066, by the issuance of supplements Nos. 3 thereto, making no changes therein other than in such rates as in effect apply to interstate commerce as shown on pages 50 and 51 of New York Central and Hudson River Railroad Company tariff P. S. C., 2 N. Y., No. 7775, and pages 36 and 37 of West Shore railroad tariff P. S. C., 2 N. Y., No. 2066. Such supplements shall be filed and posted under an effective date of August 15, 1910, and bear the following notation: "Issued on not less than fifteen days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1572, of date July 11, 1910."

Completed by supplement No. 3 to New York Central P. S. C. No. 7775 and West Shore P. S. C. No. 2066, effective August 15, 1910.

No. 1573; July 11, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one day's notice to the public and Commission, a tariff of freight rates as its P. S. C., 2 N. Y., No. 2083, establishing a rate of one dollar and fifty cents per two thousand pounds on Common Building Brick, carloads, minimum weight as per official classification in effect at the time of shipment, from Amboy, N. Y., to Hamilton, N. Y., via Oneida, N. Y., and the New York, Ontario and Western railway. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1573, of date July 11, 1910."

Completed by P. S. C. No. 2083, effective July 16, 1910.

No. 1574; July 11, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three days' notice to the public and Commission, a tariff of freight rates P. S. C., 2 N. Y., No. 1671, establishing on Brick, carloads, minimum weight as per official classification in effect at time of shipment, rate of one dollar and ten cents per two thousand pounds from Buffalo, N. Y., to Wellsville, N. Y., and rate of one dollar and forty cents per two thousand pounds from Buffalo, N. Y., to Elmira, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1574, of date July 11, 1910."

Completed by P. S. C. No. 1671, effective July 16, 1910.

No. 1575; July 11, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to cancel, on three days' notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 1658, by the issuance of a tariff of freight rates as its P. S. C., 2 N. Y., No. 1664, establishing therein a rate of six dollars per car to apply as a switching charge on shipments of Stone (all kinds) in either direction between industries at Newburgh Junction, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1575, of date July 11, 1910."

Completed by P. S. C. No. 1664, effective July 16, 1910.

No. 1576; July 12, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 7781, by the issuance of supplement No. 3 thereto, establishing therein a rate of sixty-five cents per two thousand pounds on Common Brick, carloads, minimum weight as per official classification in effect at time of shipment, from Geneva, N. Y., to Sennett, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1576, of date July 12, 1910."

Completed by supplement No. 3 to P. S. C. No. 7781, effective July 20, 1910.

No. 1577; July 12, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 8226, establishing a rate of forty cents per two thousand pounds on Gravel, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Watertown, N. Y., to Sackets Harbor, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1577, of date July 12, 1910.

Completed by P. S. C. No. 8226, effective July 16, 1910.

No. 1578; July 13, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one day's notice to the public and Commission, a tariff of freight rates as its P. S. C., 2 N. Y., No. 2206, establishing a rate of eighty cents per two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case will the minimum weight be less than forty thousand pounds, from Hecla, N. Y., to Oran, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1578, of date July 13, 1910."

Completed by P. S. C. No. 2206, effective July 16, 1910.

No. 1579; July 13, 1910; The Lake Shore and Michigan Southern Railway Company:

Ordered: That The Lake Shore and Michigan Southern Railway Company be and is hereby authorized to amend, on not less than ten days' notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 236, by the issuance of a supplement thereto, adding Lehigh Valley Railroad Company as a participating carrier under concurrence Form F4 No. 2. Said tariff shall be filed and posted under an effective date of August 1, 1910, and bear the following notation: "Issued on not less than ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1579, of date July 13, 1910."

Completed by supplement No. 1 to P. S. C. No. 236, effective August 1, 1910.

No. 1580; July 14, 1910; New York, Ontario and Western Railway Company.

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on one day's notice to the public and

Commission, a tariff of freight rates as its P. S. C., 2 N. Y., No. 1704, establishing a rate of one dollar per two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity will govern, but in no case will the minimum weight be less than forty thousand pounds, from Reulings Switch, N. Y., a point located between Huguenot, N. Y., and Port Jervis, N. Y., to Accord, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1580, of date July 14, 1910."

Completed by P. S. C. No. 1704, effective July 17, 1910.

No. 1581; July 14, 1910; Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, Receiver):

Ordered: That the Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, receiver) be and is hereby authorized to cancel, on five days' notice to the public and Commission, its joint freight tariff P. S. C., 2 N. Y., No. 232, applying on Clay Products, carloads, as enumerated in the tariff, from Olean, N. Y., to various New York state stations on the Buffalo and Susquehanna railway, by the issuance of a joint freight tariff as its P. S. C., 2 N. Y., No. 258, reissuing the rates now contained in P. S. C., 2 N. Y., No. 232, and in addition thereto providing rate of ninety cents per two thousand pounds from Olean, N. Y., to Belmont, N. Y., via Belvidere, N. Y., and the Buffalo and Susquehanna railway. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1581, of date July 14, 1910."

Completed by P. S. C. No. 258, effective July 27, 1910.

No. 1582; July 15, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a tariff of freight rates as its P. S. C., 2 N. Y., No. 8285, establishing a rate of seventy-five cents per two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case will the minimum weight be less than forty thousand pounds, from Furniss, N. Y., to Carthage, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1582, of date July 15, 1910."

Completed by P. S. C. No. 8285, effective July 20, 1910.

No. 1583; July 15, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a tariff of freight rates as its P. S. C., 2 N. Y., No. 8276, establishing a rate of forty cents per two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case will the minimum weight be less than forty thousand pounds, from Pulaski, N. Y., to Mexico, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1583, of date July 15, 1910."

Completed by P. S. C. No. 8276, effective July 19, 1910.

No. 1584; July 15, 1910; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a tariff of freight rates under proper P. S. C., 2 N. Y., serial number, establishing a rate of one cent per one hundred pounds with a minimum charge of three dollars per car to apply to the switching of carload freight between sidings within the limits of its station St. Regis Falls, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1584, of date July 15, 1910."

Completed by P. S. C. No. 229, effective July 19, 1910.

No. 1585; July 15, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on three days' notice to the public and Commission, on account of military encampment and army manoeuvres at Pine Camp, a special local and interdivision passenger tariff providing temporary fares applying to the sale of one-way and round-trip tickets to and from Pine Camp Junction, N. Y., and other points local to the railroad, and to include therein distances between such points. Such tariff to remain in effect until the close of the encampment, and shall be filed and posted within ten days from the date of this order, bearing the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1585, of date July 15, 1910."

Completed by P. S. C. No. 535, effective July 26, 1910.

No. 1586; July 18, 1910; Huntington Railroad Company:

Ordered: That the Huntington Railroad Company be and is hereby authorized to amend, on three days' notice to the public and Commission, its local passenger tariff P. S. C., 2 N. Y., No. 5, establishing therein a rate of fifty (50) cents per capita, applying to the sale of round-trip excursion tickets, limited to three (3) days, including date of sale, between Huntington, N. Y., and Amityville, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1586, of date July 18, 1910."

Completed by supplement No. 1 to P. S. C. No. 5, effective July 26, 1910.

No. 1587; July 18, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to amend, on fifteen (15) days' notice, its tariff of joint and proportional freight rates applying to shipments of Grain and Grain Products, in carloads, correcting title page to read in center of marginal space as follows:

"P. S. C., 2 N. Y., No. D-1677,
cancels P. S. C., 2 N. Y., No. D-1009."

instead of P. S. C., 2 N. Y., No. 1109. Said tariff shall be filed and posted under an effective date of August 10, 1910, and bear the following notation: "Issued on fifteen days' notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1587, of date July 18, 1910."

Completed by supplement No. 1 to P. S. C. No. D-1677, effective August 10, 1910.

No. 1588; July 18, 1910; The Pullman Company:

Ordered: That a waiver of the last paragraph of rule 9 of circular No. 35 be and is hereby authorized to The Pullman Company, with respect to its

tariff P. S. C., 2 N. Y., No. 40. Said waiver is to extend until October 1, 1910, and any supplements hereafter issued to said tariff P. S. C., 2 N. Y., No. 40, shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 1588, of date July 18, 1910."

No supplements filed within the period specified.

No. 1589; July 18, 1910; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to cancel, on five (5) days' notice to the public and Commission, its supplement No. 1 to joint class rate tariff, P. S. C., 2 N. Y., No. 142, and to reissue in its supplement No. 2, thereto, the matter contained therein, without change, other than to show the Erie Railroad Company under concurrence Form F3 No. 38. Said tariff shall be filed and posted under an effective date of August 1, 1910, and bear the following notation: "Issued on five (5) days' notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1589, of date July 18, 1910."

Completed by supplement No. 2 to P. S. C. No. 142, effective August 1, 1910.

No. 1590; July 19, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 8294, establishing a rate of 40 cents per ton of 2000 pounds on Ice, carloads, minimum weight 50,000 pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the minimum weight be less than 40,000 pounds, from Hammond, N. Y., to Oakvale, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1590, of date July 19, 1910."

Completed by P. S. C. No. 8294, effective July 27, 1910.

No. 1591; July 19, 1910; Rochester, Syracuse and Eastern Railroad Company:

Ordered: That the Rochester, Syracuse and Eastern Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its joint tariff of special round-trip party excursion fares, P. S. C., 2 N. Y., No. 5, establishing adult and half fares for children between the ages of seven and twelve years, per capita, applying to the daily sale, excepting Sundays and legal holidays, to September 15, 1910, inclusive, of round-trip tickets when in lots of ten or more to Auburn (Owasco Lake), N. Y., and return, via Port Byron, Auburn and Northern Electric Railroad Company to Auburn, and thence via Auburn and Syracuse Electric Railroad Company, as follows:

From	*Half*	*Full*
Palmyra, N. Y.	$.60	$1.15
Newark, N. Y.	.45	.90
Lyons, N. Y.	.40	.80
Clyde, N. Y.	.35	.65
Savannah, N. Y.	.25	.50
Port Byron, N. Y.	.15	.30
Weedsport, N. Y.	.20	.40
Jordan, N. Y.	.30	.55

Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1591, of date July 19, 1910."

Completed by P. S. C. No. 5, effective July 22, 1910.

No. 1592; July 19, 1910; Syracuse and South Bay Electric Railroad Company:

Ordered: That the Syracuse and South Bay Electric Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its local and joint tariff of special round-trip party excursion fares, P. S. C., 2 N. Y., No. 2, in connection with the Oneida Lake Terminal Company, establishing fares, per capita, applying to the sale of tickets in quantities, from and to points, as follows:

Syracuse to South Bay and return: Sold daily and good for use on date of sale only: in quantities, 10 to 24, $0.45. Sold daily, excepting Sundays and legal holidays, and good for use on date of sale only: in quantities, 25 to 199, $0.40; in quantities, 200 to 999, $0.35; in quantities, 1000 or more, $0.30.

Syracuse to Sylvan Beach and return: Sold daily and good for use within 30 days from date of sale: in quantities, 1 to 9, $1.00. Sold daily and good for use on date of sale only: in quantities, 10 to 24, $0.95. Sold daily, excepting Sundays and legal holidays, and good for use on date of sale only: in quantities, 25 to 199, $0.90; in quantities, 200 or more, $0.80.

Syracuse to Frenchman's Island and return: Sold daily and good for use on date of sale only: in quantities, 1 to 9, $0.55. Sold daily, excepting Sundays and legal holidays, and good for use on date of sale only: in quantities, 10 to 199, $0.50; 200 to 999, $0.45; 1000 or more, $0.40.

North Syracuse to Frenchman's Island and return: Sold daily and good for use on date of sale only: in quantities, 1 to 9, $0.35. Sold daily, excepting Sundays and legal holidays, and good for use on date of sale only: in quantities, 10 to 199, $0.30; 200 or more, $0.25.

Said tariff shall provide that transfers issued by the Syracuse Rapid Transit Railroad Company to the Syracuse and South Bay Electric Railroad Company, will be accepted at their face value, five cents, in payment toward the purchase price, if presented at the ticket office within the time limit and on the date for which the transfer is good. Transfers will be issued to points reached by the lines of the Syracuse Rapid Transit Railroad Company, except north of Salina, on return portion of tickets reading to Syracuse. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1592, of date July 19, 1910."

Completed by P. S. C. No. 2, effective July 29, 1910.

No. 1593; July 20, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its tariff of freight rates, P. S. C., 2 N. Y., No. 1711, establishing a rate of forty (40) cents per 2000 pounds on Sand and Crushed Stone, in carloads, minimum weight 90 per cent of the marked capacity of the car except when cars are loaded to their visible capacity, in which case actual weight will apply, with a minimum of 40,000 pounds, from Cornwall, N. Y., to Firthcliffe, N. Y., and Meadow Brook, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1593, of date July 20, 1910."

Completed by P. S. C. No. 1711, effective July 23, 1910.

No. 1594; July 20, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one (1) day's notice to the public and Commission, its tariff of freight rates, P. S. C., 2 N. Y., No. 2357, by the issuance of supplement No. 4 thereto, amending item No. 9, as shown on page 21 of the tariff, and establishing a rate of ninety (90) cents per ton of 2000 pounds on Cement, Unburnt, in packages, and Cement, Common, Hydraulic, Natural or Portland in carloads, minimum weight 50,000 pounds except when capacity

of car is less, in which case the actual capacity of car will govern, but in no case will minimum carload weight be less than 40,000 pounds, from Glens Falls, N. Y., to West Albany, N. Y., via Schenectady, N. Y., and the New York Central and Hudson River railroad. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1594, of date July 20, 1910."

Completed by supplement No. 4 to P. S. C. No. 2357, effective July 30, 1910.

No. 1595; July 20, 1910; United Traction Company:

Ordered: That the United Traction Company be and is hereby authorized to cancel, on three (3) days' notice to the public and Commission, its passenger tariff, P. S. C., 2 N. Y., No. 3, by the issuance of a superseding tariff, P. S. C., 2 N. Y., No. 4, reissuing the matter contained therein, making no change other than as follows:

To add the Cohoes Railway Company as a participating carrier, under proper concurrence form and number.

To provide on page 2, under caption "Rules and Regulations," children five years of age and under carried free. No baggage carried free. Under caption "Transfers," no transfer will be issued upon a transfer. Transfers are exchanged with the Cohoes Railway Company. Under caption "Local Transfers," transfers are only issued at time of payment of cash fare and are good at transfer points subject to the rules of the company. Under caption "Through Transfers," passengers on through cars, between Albany and Troy, paying ten cents are entitled to one transfer. A northbound passenger arriving at Cemetery upon a transfer will not be entitled, when riding beyond in the same car and paying a five-cent fare, to a transfer in Troy. A southbound passenger arriving at Garbrance Lane upon a transfer will not be entitled, when riding beyond in the same car and paying a five-cent fare, to a transfer in Albany. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1595, of date July 20, 1910."

Completed by P. S. C. No. 4, effective July 27, 1910.

No. 1596; July 21, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 1715, establishing a rate of thirty (30) cents per 2000 pounds, applying on Sand, in carloads, minimum weight 90 per cent of the marked capacity of the car except when cars are loaded to their visible capacity, in which case actual weight will apply, with minimum of 40,000 pounds, from Minetto (Butler's Switch), N. Y., to Oswego, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1596, of date July 21, 1910."

Completed by P. S. C. No. 1715, effective July 24, 1910.

No. 1597; July 25, 1910; Application of various steam railroad corporations:

SUBJECT: Postponement of effective dates until November 1, 1910, of all tariffs or supplements to tariffs filed with the Commission to become effective during the period between August 1, 1910, and September 15, 1910, both dates inclusive, containing rates of freight which are higher than are the rates now in force and in effect.

Upon application of various railroad corporations through their representative, filed July 25, 1910, and from which it appears that the Interstate Commerce Commission in its Special Order No. 5, issued July 20, 1910, has

authorized all carriers in Official Classification territory, on one day's notice to the Commission and the public, to postpone until November 1, 1910, the effective dates of all tariffs or supplements filed with the Commission to become effective during the period between August 1, 1910, and September 15, 1910, both dates inclusive, containing rates of freight which are higher than rates contained in tariffs now in force and effect; and whereas, application has been made to this Commission by carriers subject to its jurisdiction for authority to postpone until November 1, 1910, the effective dates of tariffs or supplements filed with the Commission to become effective during the period from August 1, 1910, to September 15, 1910, inclusive, in consequence of the postponement of the effective date of similar tariffs filed with the Interstate Commerce Commission during said period, and for good cause shown,

It is Ordered: That each and all of the steam railroad carriers subject to the jurisdiction of this Commission be and they are hereby authorized on one day's notice to the Commission and to the public, to postpone until November 1, 1910, the effective dates of all tariffs or supplements filed with the Commission to become effective during the period from August 1, 1910, to September 15, 1910, inclusive, containing freight rates which are higher than rates currently in force and effect.

It is further Ordered: That such carriers be and they are hereby authorized to effect the postponements proposed by the issuance of a separate supplement to each tariff, or by blanket or omnibus supplements to such tariffs, the numbers of which may be shown on the title page and on the reverse side thereof, together with announcement of postponement of effective date, and such other matter as is required by the Commission's tariff regulations to be shown on the title page of tariffs or supplements. Such supplements may be issued regardless of Rule 9 of the Commission's Circular No. 55, limiting the number or size thereof.

It is further Ordered: That the tariff rules of the Commission with reference to supplements to tariffs which may be continued in effect by virtue of the postponements of rates herein provided for are hereby suspended during the period of postponement, as follows: (1) To admit of changes in rates being made in the ordinary course of business during the period of postponement, the tariffs remaining in effect as a result of such postponement may be further amended without regard to the Commission's rule limiting the volume of supplemental matter which effective supplements in the aggregate may contain, but the Commission's rule prohibiting the supplementing of tariffs of less than five pages must be observed. Desired changes in tariffs of less than five pages must be made by reissue. If the postponed tariffs subsequently become effective, such tariffs as may be reissued during the period of postponement should be canceled in the regular way. (2) Rates, rules, and regulations which will not operate to increase charges on any shipment but which are contained in schedules containing increased rates may be issued in supplements to old tariffs or in new tariffs as reissued items provided the original effective date and the P. S. C.—2 N. Y.—number of the schedule from which reissued are shown in connection with such item.

It is further Ordered: That any new or changed rates, rules, or regulations made effective during the period of postponement shall remain in force for the statutory period of thirty days, except as otherwise authorized by special permission.

It is further Ordered: That all tariffs or supplements issued pursuant to the authority contained in this order shall bear the following notation on title page: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1597, of date July 25, 1910."

Above order completed by individual carriers filing appropriate schedules.

No. 1598; July 22, 1910; Huntington Railroad Company:

Ordered: That the Huntington Railroad Company be and is hereby authorized to amend, on three (3) days' notice to the public and Commission, its local passenger tariff P. S. C., 2 N. Y., No. 5, by the issuance of a

supplement as No. 2 thereto canceling supplement No. 1 and reissuing the matter contained therein, also to make changes and additions as follows: Change title page to read, Local and Joint Passenger Tariff. Add as a participating carrier, the Babylon Railroad Company, under proper concurrence form and number. On page 2, add under caption "One-way Fares" a regulation reading: the fare between any two points within the limits of the village of Amityville is five cents, and to passengers boarding cars within such village limits conductors will upon request, when fare is paid, issue a transfer to the Babylon railroad, which transfer will be honored by that company from point of transfer on first connecting car on date of issue, for passage to any point on its car lines within the limits of said village. This Company will accept transfers issued by the Babylon railroad, on date of issuance and on its first connecting car for passage from point of transfer to points on its car lines within the said village limits. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1598, of date July 22, 1910."

Completed by supplement No. 2 to P. S. C. No. 5, effective August 1, 1910.

No. 1599; July 22, 1910; J. F. Tucker, Agent:

Ordered: That J. F. Tucker be and is hereby authorized to amend, on three (3) days' notice to the public and Commission, his freight tariff of exceptions to the official classification, P. S. C., 2 N. Y., No. 6, by the issuance of supplement No. 2 thereto, making no change therein other than to correct the list of issuing carriers as shown on page 5 to show opposite the Jamestown, Chautauqua and Lake Erie Railway Company, in column headed "P. S. C., 2 N. Y., No. F1 No.", the figure 4. Said tariff shall be filed and posted under an effective date of August 1, 1910, and bear the following notation: "Issued on three (3) days' notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1599, of date July 22, 1910."

Completed by supplement No. 2 to P. S. C. No. 6, effective August 1, 1910.

No. 1600; July 23, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to amend, on one (1) day's notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 1013, by the issuance of a supplement as No. 7 thereto, establishing a rate of forty (40) cents per two thousand (2000) pounds on Ice, in carloads, minimum weight as provided in tariff, from Cornell, N. Y., to Cortland, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1600, of date July 23, 1910."

Completed by supplement No. 7 to P. S. C. No. 1013, effective July 28, 1910.

No. 1601; July 23, 1910; The Lake Shore and Michigan Southern Railway Company:

Ordered: That The Lake Shore and Michigan Southern Railway Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 192, by the issuance of a supplement thereto properly P. S. C. serially numbered, providing a rate of sixty cents per two thousand pounds on Furnace Slag, carloads, minimum weight as per official classification in effect at time of shipment, from Buffalo, N. Y., to Forsyth, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission

under special permission of the Public Service Commission, Second District, State of New York, No. 1601, of date July 23, 1910."

Completed by supplement No. 15 to P. S. C. No. 192, effective July 23, 1910.

No. 1602; July 26, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its tariff of freight rates, P. S. C., 2 N. Y., No. 2396, establishing a rate of one dollar per two thousand two hundred forty pounds on Coal Dust and Coal Screenings, carloads, minimum weight twenty tons of two thousand two hundred forty pounds each, from Albany, N. Y., to Saratoga Springs, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1602, of date July 26, 1910."

Completed by P. S. C. No. 2396, effective July 30, 1910.

No. 1603; July 26, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a tariff of freight rates as its P. S. C., 2 N. Y., No. 8333, establishing a rate of two dollars per cord on Pulp Wood, carloads, minimum weight twelve cords, from Floodwood, N. Y., to Harrisville, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1603, of date July 26, 1910."

Completed by P. S. C. No. 8333, effective July 29, 1910.

No. 1604; July 26, 1910; Little Falls and Dolgeville Railroad Company:

Ordered: That the Little Falls and Dolgeville Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a tariff of freight rates as its P. S. C., 2 N. Y., No. 149, establishing on shipments of Iron Ore Tailings, carloads, maximum weight eighty thousand pounds, minimum weight ninety per cent of the marked capacity of car but in no case less than fifty-four thousand pounds. the rates in cents per two thousand pounds, from Salisbury Center, N. Y., to New York state stations, as follows: Kast Bridge, County Home, and Middleville, 45; Newport and Poland, 50, via Little Falls and the New York Central and Hudson River railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1604, of date July 26, 1910."

Completed by P. S. C. No. 149, effective July 29, 1910.

No. 1605; July 27, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a tariff of freight rates as its P. S. C., 2 N. Y., No. 1728, establishing a rate of one dollar and forty cents per two thousand pounds, which rate is to include transfer charge from boats to cars at Cornwall, N. Y., of ten cents per two thousand pounds, on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car except when cars are loaded to their visible capacity, in which case actual weight will apply, with minimum of forty thousand pounds, from Cornwall, N. Y., to Fulton, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Ser-

vice Commission, Second District, State of New York, No. 1605, of date July 27, 1910."

Completed by P. S. C. No. 1728, effective August 1, 1910.

No. 1606; July 28, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one day's notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 2221, establishing a rate of one dollar and twenty cents per two thousand pounds on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from West Nyack, N. Y., to St. Johnsville, N. Y., via the New York Central and Hudson River railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1606, of date July 28, 1910."

Completed by P. S. C. No. 2221, issued to take effect August 3, 1910, which tariff was rejected and did not go into effect.

No. 1607; July 28, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, various of its freight tariffs issued to take effect subsequent to July 1, 1910, and which make reference to exceptions to official classification G. O.—P. S. C., 2 N. Y., No. 285, by the issuance of supplements to such tariffs, changing the reference to exceptions to official classification to G. O.—P. S. C., 2 N. Y., No. 150. Said tariff shall be filed and posted and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1607, of date July 28, 1910."

Complete by G. O.—P. S. C. Nos. 346 and 347, effective August 16, 1910.

No. 1608; July 28, 1910; United Traction Company:

Ordered: That the United Traction Company be and is hereby authorized to cancel, on three days' notice to the public and Commission, its passenger tariff P. S. C., 2 N. Y., No. 4, by the issuance of its passenger tariff P. S. C., 2 N. Y., No. 5, reissuing the matter contained therein without change other than the following: Under caption "Passenger Tariff" substitute the following:

Local fares in cities and towns on lines operated by the United Traction Company	5 cents
Albany, N. Y., to Schuyler's Bridge, N. Y., and points intermediate, including Garbrance lane	5 cents
Troy, N. Y., Watervliet, N. Y., Waterford, N. Y., and Cohoes, N. Y. (except Belt line), to Garbrance lane and intermediate points, including Cemetery	5 cents
Through fares, Albany, N. Y., to Troy, N. Y	10 cents
Through fares, Albany, N. Y., to Watervliet, N. Y	10 cents
Through fares, Albany, N. Y., to Waterford, N. Y	10 cents
Through fares, Albany, N. Y., to Cohoes, N. Y	10 cents

The same rates apply in opposite directions.

and under caption "Through Transfers" substitute the following:

Passengers on through cars between Albany, N. Y., and Troy, N. Y., paying ten cents are entitled to one transfer.

Passengers on through cars between Albany, N. Y., and Troy, N. Y., northbound and riding on a transfer will be carried to the transfer limit, which is Cemetery, and when riding beyond in the same car and paying a five-cent fare they will not be entitled to a transfer. When southbound and riding on a transfer they will be carried to the transfer limit, which is Garbrance lane, and when riding beyond in the same car and paying a five-cent fare they will not be entitled to a transfer.

Said tariff shall be filed and posted within five days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1608, of date July 28, 1910."

Completed by P. S. C. No. 5, effective August 4, 1910.

No. 1609; July 29, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That the New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its tariff of freight rates, P. S. C., 2 N. Y., No. 8346, establishing a rate of sixty cents per two thousand two hundred forty pounds on Old Steel Rails, carloads, minimum weight twenty-five tons of two thousand two hundred forty pounds each, from Long Lake West, N. Y., to Clearwater, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1609, of date July 29, 1910."

Completed by P. S. C. No. 8346, effective August 4, 1910.

No. 1610; July 30, 1910; The New York, New Haven and Hartford Railroad Company:

Ordered: (1) That The New York, New Haven and Hartford Railroad Company be and is hereby authorized to cancel, on one day's notice to the public and Commission, its tariff of local passenger fares, P. S. C., 2 N. Y., No. 172, by the issuance of a tariff of local passenger fares as its P. S. C., 2 N. Y., No. 178, reissuing the matter contained therein without change, except to change the fares applying in either direction between 125th Street station, New York, N. Y., and stations named below, to read:

Mt. Vernon, N. Y.	30 cents.
Columbus Avenue, N. Y.	33 cents.
Pelham, N. Y.	33 cents.
New Rochelle, N. Y.	39 cents.
Woodside, N. Y.	42 cents.

(2) to cancel tariff P. S. C., 2 N. Y., No. 169 by tariff P. S. C., 2 N. Y., No. 176, reissuing the matter now contained in P. S. C., 2 N. Y., No. 169, without change, except to add the following to paragraph 1 in the "Explanation of Reference Marks": "except that the charge for the transportation of a passenger shall in no case exceed three cents for each mile and fraction thereof." (3) to cancel its tariff of local and joint rates for mileage tickets, P. S. C., 2 N. Y., No. 170 by its tariff P. S. C., 2 N. Y., No. 177, reissuing, without change, the matter now contained in tariff P. S. C. No. 170, except to add at the end of the first section of Rule 7 thereof the following words: "except that in detaching coupons from such tickets between 125th Street station, New York, N. Y., and points mentioned, the number of coupons to be collected will be as follows: Mt. Vernon, N. Y., 15; Columbus ave., N. Y., 16; Pelham, N. Y., 16." Said tariff shall be filed and posted within five days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1610, of date July 30, 1910."

Completed by P. S. C. Nos. 176, 177, and 178, effective August 3, 1910.

No. 1611; August 1, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 1663, by the issuance of supplement No. 5 thereto canceling supplements Nos. 3 and 4, thereby effecting the cancellation of the rate of fifteen cents per one hundred pounds on Petroleum and Petroleum Products, carloads, from Rochester, N. Y., to New York state stations Tappan to Glenmont, both inclusive, as established in supplement No. 3 and made effective August 1, 1910, by supplement No. 4,

restoring rate to thirteen and one-half cents per one hundred pounds as originally shown in the tariff. Said tariff shall be issued under an effective date as of August 1, 1910, and bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 1611, of date August 1, 1910."

Completed by supplement No. 5 to P. S. C. No. 1663, effective August 1, 1910.

No. 1612; August 1, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8347, establishing a rate of fifty cents per two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than forty thousand pounds, from Charlotte, N. Y., to Rochester (Brinker Place station), N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1612, of date August 1, 1910."

Completed by P. S. C. No. 8347, effective August 8, 1910.

No. 1613; August 1, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to amend, on three days' notice to the public and Commission, its tariff of freight rates P. S. C., 2 N. Y., No. 1060, by the issuance of supplement No. 6 thereto, establishing a rate of sixty cents per two thousand pounds on Crushed Stone, carloads, minimum weight sixty thousand pounds, from LeRoy, N. Y., to Painted Post, N. Y. Said rates to apply only between points of receipt and delivery on Erie Railroad Company's tracks, and will not include connecting lines' switching charges. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1613, of date August 1, 1910."

Completed by supplement No. 6 to P. S. C. No. 1060, effective August 6, 1910.

No. 1614; August 1, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to amend, on three days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 1114, by the issuance of supplement No. 1 thereto, making no change therein other than to add the Boston and Albany railroad, Boston and Maine Railroad, The Delaware and Hudson Company, and The New York Central and Hudson River Railroad Company as participating carriers under proper concurrence forms and numbers. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1614, of date August 1, 1910."

Completed by supplement No. 1 to P. S. C. No. 1114, effective August 10, 1910.

No. 1615; August 1, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its freight tariff of exceptions to official classification, P. S. C., 2 N. Y., No.

D-1460, by the issuance of a supplement thereto as No. 7, and restore to classification basis the items listed therein as No. 68: Vehicles, self propelling (Automobiles), etc.; No. 104½: Vehicles, not self propelling, etc.; and No. 132: Trucks, Hook and Ladder, etc. Said tariff shall be filed and posted within thirty days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1615, of date August 1, 1910."

Completed by supplement No. 7 to P. S. C. No. D-1460, effective August 26, 1910.

No. 1616; August 1, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8351, establishing rates on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Black River, N. Y., as follows: to Watertown, N. Y., forty cents per two thousand pounds; to Pierrepont Manor, N. Y., fifty cents per two thousand pounds. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1616, of date August 1, 1910."

Completed by P. S. C. No. 8351, effective August 8, 1910.

No. 1617; August 1, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8348, establishing on Wood Pulp, carloads, minimum weight forty thousand pounds, rates in cents per one hundred pounds, from Cape Vincent, N. Y., as follows: to Watertown, N. Y., 4; and to Brownville, N. Y., 3½. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1617, of date August 1, 1910."

Completed by P. S. C. No. 8348, effective August 4, 1910.

No. 1618; August 1, 1910; The Ulster and Delaware Railroad Company:

Ordered: That The Ulster and Delaware Railroad Company be and is hereby authorized to issue, on five days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 43, providing therein for the free return of exhibits from state and county fairs when such shipments have been waybilled from original point of shipment to point of exhibition at full current rates. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1618, of date August 1, 1910."

Completed by P. S. C. No. 43, effective August 10, 1910.

No. 1619; August 1, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1729, establishing on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car except when cars are loaded to their visible capacity, in

which case the actual weight will apply, with minimum of forty thousand pounds, from Cornwall, N. Y., rates in cents per two thousand pounds to New York state stations as follows: Ellenville, Napanoch, Wawarsing, Kerhonkson, Accord, Kyserike, and High Falls, 75; Cottekill and Kingston, 85; said rates to include transfer charge from boats to cars at Cornwall, N. Y., of ten cents per two thousand pounds. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1619, of date August 1, 1910."

Completed by P. S. C. No. 1729, effective August 4, 1910.

No. 1620; August 4, 1910; Rutland Railroad Company: Not used; tariff P. S. C. No. 356 reissued upon statutory notice.

No. 1621; August 4, 1910; The New York, New Haven and Hartford Railroad Company:

Ordered: That The New York, New Haven and Hartford Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its freight tariff of exceptions to official classification P. S. C., 2 N. Y., No. 183, by the issuance of a properly numbered supplement thereto, and provide therein for the cancellations of item No. 284, Vehicles, not self propelling, etc.; and item No. 286, Vehicles, self propelling (Automobiles, etc.): restoring said articles to classification basis. Said tariff shall be filed and posted within thirty days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1621, of date August 4, 1910."

Completed by supplement No. 9 to P. S. C. No. 183, effective September 2, 1910.

No. 1622; August 4, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 2404, establishing a rate of eighty cents per two thousand pounds on Crushed Stone, carloads, minimum weight governed by marked capacity of car, but in no case less than forty thousand pounds, from Ballston Spa, N. Y., to Hoosick Falls, N. Y., via Mechanicville, N. Y., and Boston and Maine railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1622, of date August 4, 1910."

Completed by P. S. C. No. 2404, effective August 8, 1910.

No. 1623; August 4, 1910; Rutland Railroad Company: Not completed; tariff P. S. C. No. 357 reissued upon statutory notice.

No. 1624; August 5, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 2226, in lieu of P. S. C., 2 N. Y., No. 2221 rejected, establishing a rate of one dollar and twenty cents per two thousand pounds on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car but not less than fifty-four thousand pounds, from West Nyack, N. Y., to St. Johnsville, N. Y., via New York Central and Hudson River railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public

Service Commission. Second District. State of New York, No. 1624, of date August 5, 1910."

Completed by P. S. C. No. 2226, effective August 8, 1910.

No. 1625; August 6, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its joint commodity freight tariff P. S. C., 2 N. Y., No. 8360, establishing a rate of one dollar per two thousand pounds on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Solvay, N. Y., to Besemers, N. Y., and East Ithaca, N. Y., via Auburn, N. Y., and Lehigh Valley railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1625, of date August 6, 1910."

Completed by P. S. C. No. 8360, effective August 12, 1910.

No. 1626; August 6, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one day's notice to the public and Commission, its local commodity tariff P. S. C., 2 N. Y., No. 2228, establishing a rate of sixty-five cents per two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than forty thousand pounds, from Fultonville, N. Y., to Utica, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1626, of date August 6, 1910."

Completed by P. S. C. No. 2228, effective August 10, 1910.

No. 1627; August 6, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three days' notice to the public and Commission, its local commodity freight tariff P. S. C., 2 N. Y., No. 1802, establishing a rate of sixty cents per two thousand pounds on Brick, carloads, minimum weight as per official classification in effect at time of shipment, from Binghamton, N. Y., to Owego, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1627, of date August 6, 1910."

Completed by P. S. C. No. 1802, effective August 12, 1910.

No. 1628; August 8, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff P. S. C. No. 8361, establishing a rate of forty cents per two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than forty thousand pounds, from Pulaski, N. Y., to Daysville, N. Y. Said tariff shall be filed and posted within ten days from

the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1628, of date August 8, 1910."

Completed by P. S. C. No. 8361, effective August 13, 1910.

No. 1629; August 8, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 2233, establishing a rate of one dollar and seventy cents per two thousand pounds on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from West Nyack, N. Y., to Arkville, N. Y., and Roxbury, N. Y., via Kingston, N. Y., and the Ulster and Delaware railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1629, of date August 8, 1910."

Complete by P. S. C. No. 2233, effective August 17, 1910.

No. 1630; August 8, 1910; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 370, establishing a rate of one dollar and thirty-five cents per two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity will govern, but in no case less than forty thousand pounds, from Madrid, N. Y., to Mexico, N. Y., via Norwood, N. Y., and the New York Central and Hudson River railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1630, of date August 8, 1910."

Completed by P. S. C. No. 370, effective August 12, 1910.

No. 1631; August 8, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, on account of military encampment and army manoeuvres at Pine Camp, N. Y., a special local and interdivision passenger tariff as its P. S. C., 2 N. Y., No. 552, to supersede and cancel its passenger tariff P. S. C., 2 N. Y., No. 535, and reissue the fares contained therein without change; also to provide temporary fares applying to the sale of one-way and round-trip tickets in either direction between Pine Camp Junction, N. Y., and Pine Camp, N. Y., and distance between said points; also to provide a temporary regulation governing the use of the fares contained therein to apply to the sale of one-way and round-trip tickets by combination with other established fares to points local to its railroad. Said tariff to remain in effect until the close of the encampment, and shall be filed and posted within three days from the date of this order, bearing the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1631, of date August 8, 1910."

Completed by P. S. C. No. 552, effective August 11, 1910.

No. 1632; August 12, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to amend, on one day's notice to the public and

Commission, its freight tariff of exceptions to official classification, P. S. C., 2 N. Y., No. 453, by the issuance of supplement No. 6 thereto, and provide therein for the cancellation of item No. 187 applying on Vehicles, not self propelling, etc., restoring said articles to classification basis. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1632, of date August 12, 1910."

Complete by supplement No. 6 to P. S. C. No. 453, effective August 19, 1910.

No. 1633; August 12, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its freight tariff of exceptions to official classification G. O.—P. S. C., 2 N. Y., No. 150, by the issuance of a supplement properly P. S. C. serially numbered, and provide therein for the cancellation of item No. 146 applying on Vehicles, self propelling (Automobiles, etc.); item No. 272 applying on Vehicles not self propelling (Ambulances, Barouches, etc.); and item No. 272–A applying on Vehicles, Hook and Ladder Trucks, etc.: restoring said articles to classification basis. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1633, of date August 12, 1910."

Complete by supplement No. 22 to G. O.—P. S. C. No. 150, effective August 15, 1910.

No. 1634; August 12, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a tariff as its P. S. C., 2 N. Y., No. 2408, establishing a rate of fifty cents per two thousand two hundred forty pounds on Iron Ore in carloads, minimum weight as per official classification in effect at time of shipment, from Arnold, N. Y., to Port Henry, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1634, of date August 12, 1910."

Complete by P. S. C. No. 2408, effective August 17, 1910.

No. 1635; August 12, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1201, in connection with the Lehigh Valley Railroad Company, establishing on Crushed Stone, carloads, minimum to be marked capacity of cars, except when cars are loaded to their visible capacity actual weight will govern, but in no case will the minimum be less than forty thousand pounds, rates in cents per two thousand pounds, from Solvay, N. Y., Syracuse, N. Y., and Syracuse (Rock Cut Switch), N. Y., to New York state stations as follows: East Ithaca and Besemers, 70; Willow Creek and Taughannock Falls, 110. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1635, of date August 12, 1910."

Complete by P. S. C. No. 1201, effective August 16, 1910.

No. 1636; August 12, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1742, establishing

a rate of one dollar per two thousand pounds on Ice, in carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case marked capacity will govern, but in no case will the minimum weight be less than forty thousand pounds, from Hamden, N. Y., to Downsville, N. Y., via East Branch, N. Y., and the Delaware and Eastern railway. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1636, of date August 12, 1910."

Complete by P. S. C. No. 1742, effective August 15, 1910.

No. 1637; August 15, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one (1) day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 2230, by the issuance of supplement No. 10 thereto, establishing a rate of $1.75 per 2000 pounds on Common Brick in carloads, minimum weight as per the official classification in effect at time of shipment, from Mechanicville, N. Y., to Cadosia, N. Y., via Sidney, N. Y., and the New York, Ontario and Western Railway Company. Said tariff shall be filed and posted within fifteen (15) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1637, of date August 15, 1910."

Complete by supplement No. 10 to P. S. C. No. 2230, effective August 29, 1910.

No. 1638; August 15, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel, on five (5) days' notice to the public and Commission, schedule issued as supplement No. 5 to freight tariff P. S. C., 2 N. Y., No. 5752, and to reissue the matter contained therein, making no change other than as follows: supplement now reads on Garbage Grease, C. L., in barrels or tierces, from stations on the N. Y. C. & H. R. R. R. as shown on page 4 taking index numbers 1, 3, and 4, to stations on N. Y. C. & H. R. R. R. as shown on page 4 taking index numbers 1 to 91, inclusive, rates in cents per one hundred pounds, except as otherwise provided, 13; change to read, Garbage Grease, in barrels or tierces, from stations on N. Y. C. & H. R. R. R., as shown on page 4 taking index numbers 1, 3, and 4, to stations on N. Y. C. & H. R. R. R., as shown on page 4 taking index numbers 1 to 65, inclusive, rate in cents per one hundred pounds, except as otherwise provided, 13. Said tariff shall be filed and posted under an effective date of September 9, 1910, and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1638, of date August 15, 1910."

Complete by supplement No. 6 to P. S. C. No. 5752, effective September 9, 1910.

No. 1639; August 16, 1910; Greenwich and Johnsonville Railway Company:

Ordered: That the Greenwich and Johnsonville Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 259, establishing a rate of eight (8) cents per hundred pounds on Unfinished Wall Paper, in rolls weighing seventy pounds or over per single roll, in carloads, minimum weight as per official classification in effect at time of shipment, from Thomson, N. Y., to Hudson Falls and Glens Falls, N. Y., via Johnsonville, N. Y., and The Delaware and Hudson Company's railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission

under special permission of the Public Service Commission, Second District, State of New York, No. 1639, of date August 16, 1910."

Complete by P. S. C. No. 259, effective August 19, 1910.

No. 1640; August 16, 1910; Greenwich and Johnsonville Railway Company:

Ordered: That the Greenwich and Johnsonville Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 258, establishing a rate of thirty (30) cents per 2000 pounds on Wall Paper Blank, in rolls weighing seventy pounds or over per roll, in carloads, minimum weight 36,000 pounds, from Thomson, N. Y., to Northumberland, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1640, of date August 16, 1910."

Complete by P. S. C. No. 258, effective August 19, 1910.

No. 1641; August 16, 1910; Boston and Maine Railroad:

Ordered: That the Boston and Maine Railroad be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a properly P. S. C., 2 N. Y., numbered tariff, establishing a rate of sixty (60) cents per 2000 pounds on Moulding Sand, carloads, minimum weight to be the marked capacity of car, but not less than 30,000 pounds, from Reynolds, N. Y., to Hoosick Falls, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1641, of date August 16, 1910."

Complete by P. S. C. No. 450, effective August 25, 1910.

No. 1642; August 16, 1910; Boston and Maine Railroad:

Ordered: That the Boston and Maine Railroad be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a properly P. S. C., 2 N. Y., numbered freight tariff, establishing a rate of ninety-five (95) cents per two thousand (2000) pounds, on Moulding Sand, carloads, minimum weight to be ninety per cent (90%) of the marked capacity of the car, but not less than 54,000 pounds, from Reynolds, N. Y. to Syracuse, N. Y., via Rotterdam Junction, N. Y., and The New York Central and Hudson River Railroad Company. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1642, of date August 16, 1910."

Complete by P. S. C. No. 449, effective August 25, 1910.

No. 1643; August 17, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to cancel, on one (1) day's notice to the public and Commission, the rate of twelve and one-half (12½) cents per hundred pounds, contained in joint freight tariff S.S.—P. S. C., 2 N. Y., No. 640, applying on Oil, Petroleum, and Petroleum Products, from Rochester, N. Y., to stations on Erie Railroad, Lake Shore and Michigan Southern Railway, and New York, Chicago and St. Louis Railroad; and to establish in its tariff, S.S.—P. S. C., 2 N. Y., No. 659, rate of eleven and one-half (11½) cents per hundred pounds to apply from and to the same point of origin and points of destination. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1643, of date August 17, 1910."

Complete by S.S., P. S. C. No. 659, effective August 24, 1910.

No. 1644; August 17, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to amend, on one (1) day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. D–1179, by the issuance of supplement No. 6 thereto establishing a rate of forty-four (44) cents per two thousand (2000) pounds on Building Stone, carloads, minimum weight as per official classification in effect at time of shipment, from Auburn, N. Y., to Cayuga, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1644, of date August 17, 1910."

Complete by supplement No. 6 to P. S. C. No. D–1179, effective August 21, 1910.

No. 1645; August 18, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2416, establishing a rate of one dollar ($1.00) per two thousand two hundred and forty (2240) pounds, on Crude Iron Ore, in carloads, minimum weight as per official classification in effect at time of shipment, from Lyon Mountain, N. Y., to Mineville, N. Y., via Port Henry, N. Y., and Lake Champlain and Moriah Railroad. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1645, of date August 18, 1910."

Complete by P S. C. No. 2416, effective August 23, 1910.

No. 1646; August 18, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to amend under an effective date of November 1, 1910, its freight tariff P. S. C., 2 N. Y., No. 573, by the issuance of supplement as No. 2 thereto, changing Rules at Destination or in Transit, as shown on page 11, to read as follows: "At Destination or in Transit beyond these companies' lines the Rules and Regulations of road party to this tariff, lawfully on file with the Interstate Commerce Commission and Public Service Commission, Second District, State of New York, will govern." Such supplement shall be filed and posted under an effective date of November 1, 1910, and bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 1646, of date August 18, 1910."

Complete by supplement No. 2 to P. S. C. No. 573, effective November 1, 1910.

No. 1647: August 19, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 568, exceptions to the official classification, by the issuance of supplement No. 2 thereto, changing the estimated weight on Cider and Vinegar, in barrels, as shown in Item No. 223, applying from Territory A, B, C, D, and E to Territory J and K, as shown in the tariff, as follows: 40 to 45 gallons, per barrel, 450 pounds; 46 to 52 gallons, per barrel, 485 pounds; 30 gallons, per barrel, 300 pounds; half barrels, per half barrel, 200 pounds. Such supplement shall be filed and posted within ten (10) days from the date of this order and under an effective date of November 1, 1910, and bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 1647, of date August 19, 1910."

Not completed; no supplement filed within time limit specified.

No. 1648; August 20, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its exceptions to official classification P. S. C., 2 N. Y., No. 1531, by the issuance of supplement No. 7 thereto, canceling supplement No. 5, and also eliminating from the tariff item No. 87 (Vehicles, not self propelling, etc.), item No. 88 (Vehicles, self propelling, Automobiles, etc.), and item No. 88-A, which was added to tariff by supplement No. 2, effective May 1, 1910 (Hook and Ladder Trucks, etc.), and to reissue without change all matter contained in supplement No. 5, except the reissued item shown therein as No. 88-A. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1648, of date August 20, 1910."

Complete by supplement No. 7 to P. S. C. No. 1531, effective August 25, 1910.

No. 1649; August 22, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to cancel, on one day's notice to the public and Commission, its supplement No. 1 to freight tariff P. S. C., 2 N. Y., No. 1799, by the issuance of supplement No. 2 thereto, thereby restoring the original effective date of the tariff. Said tariff shall be filed and posted under an effective date of August 29, 1910, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1649, of date August 22, 1910."

Complete by supplement No. 2 to P. S. C. No. 1799.

No. 1650; August 22, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff consecutively P. S. C., 2 N. Y., numbered, establishing, without change, rates first to sixth classes inclusive applying to the shipment of general merchandise in effect prior to August 13, 1910, in its freight tariff P. S. C., 2 N. Y., No. 10 and supplements thereto. Said tariff shall be filed and posted within fifteen days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1650, of date August 22, 1910."

Completed by P. S. C. No. 1815, effective September 8, 1910.

No. 1651; August 22, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2249, establishing a rate of one dollar and ten cents per two thousand pounds on Crushed Stone in carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from West Nyack, N. Y., to Ellenville, N. Y., via Cornwall, N. Y., and the New York, Ontario and Western railway. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1651, of date August 22, 1910."

Complete by P. S. C. No. 2249, effective August 27, 1910.

No. 1652; August 23, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its

passenger tariff P. S. C., 2 N. Y., No. 566, establishing fares applying to the sale of second-class round-trip tickets from Albany, N. Y., to various stations on its Susquehanna division. Such fares in no case to exceed fares now in force. Said tariff shall be filed and posted within five days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1652, of date August 23, 1910."

Complete by P. S. C. No. 566, effective August 24, 1910.

No. 1653; August 26, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 8427, providing for an Iced Refrigerator Car to be run daily except Sunday from Buffalo (Carroll Street), N. Y., to Rochester (Portland Avenue), N. Y., for the transportation of butter, cheese, eggs, and other perishable freight. Such shipments to be charged for at current tariff rates governed by instructions contained in freight tariff P. S. C., 2 N. Y., No. 7000. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1653, of date August 26, 1910."

Complete by P. S. C. No. 8427, effective August 30, 1910.

No. 1654; August 27, 1910; Little Falls and Dolgeville Railroad Company:

Ordered: That the Little Falls and Dolgeville Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 150, establishing a rate of three cents per one hundred pounds on Lumber, carloads, minimum weight as per official classification in effect at time of shipment, from Salisbury Center, N. Y., to Inghams, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1654, of date August 27, 1910."

Complete by P. S. C. No. 150, effective August 31, 1910.

No. 1655; August 27, 1910; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to amend, on three days' notice to the public and Commission, its passenger tariff P. S. C., 2 N. Y., No. 150, by the issuance of supplement No. 1 thereto, reissuing section 15, page 10, of the tariff, providing in connection therewith the following: "Children under five years of age, when accompanied by parent or guardian, will be transported free. No more than three children under five years of age will be transported free for each adult accompanying them, paying full tariff rate. Children five years of age and under twelve years will be transported for one-half the adult fare; twelve years of age and over, full fare. When the rate divides unevenly, add sufficient to make same end in naught or five. Half-fare application will not apply to rates quoted at five cents or less." Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1655, of date August 27, 1910."

Complete by supplement No. 1 to P. S. C. No. 150, effective September 1, 1910.

No. 1656; August 29, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on three days' notice to the public and Commission, a passenger tariff as its P. S. C., 2 N. Y., No. 234, establishing local and joint fares applying to the sale of special round-trip tickets from New York State stations on West Shore railroad to Syracuse State Fair Grounds, also fares applying to the sale of one-way and round-trip tickets for adults and children between Syracuse, N. Y., and State Fair Grounds. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1656, of date August 29, 1910."

Complete by P. S. C. No. 234, effective September 10 to 17, inclusive, 1910.

No. 1657; August 30, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on three days' notice to the public and Commission, its tariff of exceptions to official classification P. S. C., 2 N. Y., No. 2130, by the issuance of supplement No. 12 thereto, canceling from the tariff and effective supplements thereto items Nos. 74, 93, and 96. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1657, of date August 30, 1910."

Completed by supplement No. 12 to P. S. C. No. 2130, effective September 6, 1910.

No. 1658; August 30, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2424, establishing a rate of one dollar and twenty-five cents per two thousand pounds on Crushed Stone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Cobleskill, N. Y., to Gloversville, N. Y., via Schenectady, N. Y., New York Central and Hudson River railroad, Fonda, N. Y., and Fonda, Johnstown and Gloversville railroad. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1658, of date August 30, 1910."

Complete by P. S. C. No. 2424, effective September 1, 1910.

No. 1659; August 30, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to amend on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 2063, by the issuance of supplement No. 1 thereto, changing the rate on Crushed Stone and Crushed Stone Screenings, carloads, minimum weight to be ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Akron, N. Y., to Clarence, N. Y., and Bowmansville, N. Y.; and from Clarence, N. Y., to Bowmansville, N. Y., from forty cents per two thousand pounds to thirty-five cents per two thousand pounds. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's

notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1659, of date August 30, 1910."

Completed by supplement No. 1 to P. S. C. No. 2063, effective September 5, 1910.

No. 1660; August 30, 1910; Lehigh and Hudson River Railway Company:

Ordered: That The Lehigh and Hudson River Railway Company be and is hereby authorized to issue, on three days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 78, establishing a rate of twenty-five cents per two thousand pounds on Ice, carloads, minimum weight forty thousand pounds, from Durlands, N. Y. (a creamery station located between Stone Bridge and Lake, N. Y.), to Lake, N. Y. Said tariff shall be filed and posted within three days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1660, of date August 30, 1910."

Complete by P. S. C. No. 78, effective September 4, 1910.

No. 1661; August 31, 1910; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 378, establishing a switching charge at Ogdensburg, N. Y., on Grain, carloads, from Ferry Slip to private or team tracks, of three dollars and fifty cents per car plus one-eighth of one cent per bushel for grain doors. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1661, of date August 31, 1910."

Completed by P. S. C. No. 378, effective September 5, 1910.

No. 1662; September 1, 1910; Carthage and Copenhagen Railroad Company:

Ordered: That the Carthage and Copenhagen Railroad Company be and is hereby authorized to cancel on one day's notice to the public and Commission its freight tariff of local miscellaneous commodity rates P. S. C., 2 N. Y., No. 7, and reissue the matter contained therein in freight tariff P. S. C., 2 N. Y., No. 9, making no change other than to reduce the rate on Hay, carloads, minimum weight as per official classification in effect at time of shipment, from four cents per one hundred pounds to three cents per one hundred pounds, applying from Copenhagen, N. Y., to Carthage, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1662, of date September 1, 1910."

Completed by P. S. C. No. 9, effective September 7, 1910.

No. 1663; September 1, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 5626, by the issuance of supplement No. 4 thereto, establishing a rate of one dollar and sixty cents per two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than forty thousand pounds, from Buffalo, N. Y., Black Rock, N. Y., East Buffalo, N. Y., and Suspension Bridge, N. Y., over the New York Central and Hudson River railroad, to Utica, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the follow-

ing notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1663, of date September 1, 1910."

Completed by supplement No. 4 to P. S. C. No. 5626, effective September 3, 1910.

No. 1664; September 1, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to issue, on five days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 1210, establishing a rate of one dollar per two thousand pounds, from Solvay, N. Y., and Syracuse, N. Y., over the Delaware, Lackawanna and Western railroad via Binghamton, N. Y., and the Erie railroad, to Langdon, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1664, of date September 1, 1910."

Completed by P. S. C. No. 1210, effective September 10, 1910.

No. 1665; September 2, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8448, establishing a rate of ninety cents per two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds except when the capacity of the car is less, in which case the actual capacity of the car will govern, but in no case shall the carload minimum weight be less than forty thousand pounds, from Millerton, N. Y., via the New York Central and Hudson River railroad, Chatham, N. Y., and the Rutland railroad to Old Chatham, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1665, of date September 2, 1910."

Completed by P. S. C. No. 8448, effective September 8, 1910.

No. 1666; September 2, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2258, establishing a rate of seventy-five cents per two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than forty thousand pounds, from South Utica, N. Y., over the West Shore and the New York Central and Hudson River railroads to Amsterdam, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1666, of date September 2, 1910."

Completed by P. S. C. No. 2258, effective September 8, 1910.

No. 1667; September 3, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2428, establishing on Lumber, Piles, Telegraph and Telephone Poles, and Ties, in carloads, minimum weight as per official classification in effect at time of shipment, the rates in cents

per one hundred pounds from and to New York state stations via Mechanicville and Boston and Maine railroad as follows: Ballston Spa to Reynolds, 5; to Scotia, 6; Hadley to Reynolds, 5½; to Scotia, 6½; The Glen to Reynolds, 6; to Scotia, 7. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1667, of date September 3, 1910."

Completed by P. S. C. No. 2428, effective September 9, 1910.

No. 1668; September 3, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 1209, establishing on Crushed Stone, carloads, minimum weight to be the marked capacity of the car, except when cars are loaded to their visible capacity actual weight will govern, but in no case will the minimum weight be less than forty thousand pounds, from Solvay, N. Y., Syracuse, N. Y., and Syracuse (Rock Cut), N. Y., to New York state points on Lehigh Valley railroad Freeville, N. Y., Stevens Siding, Varna, N. Y., Etna, N. Y., McLean, N. Y., and Gracie, N. Y., rate of seventy cents per two thousand pounds; and from Syracuse, N. Y., and Syracuse (Rock Cut), N. Y., to Dryden, N. Y., seventy cents per two thousand pounds, over the Delaware, Lackawanna and Western and Lehigh Valley railroads. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1668, of date September 3, 1910."

Completed by P. S. C. No. 1209, effective September 10, 1910.

No. 1669; September 3, 1910; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to issue, on one day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 379, establishing a rate of thirty-five cents per two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case will the carload minimum weight be less than forty thousand pounds, from Burke, N. Y., to Chateaugay, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1669, of date September 3, 1910."

Completed by P. S. C. No. 379, effective September 8, 1910.

No. 1670; September 6, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 8450, establishing a rate of sixty (60) cents per two (2) thousand pounds on Ice, carloads, minimum weight 50,000 pounds unless the marked capacity of car is less, in which case the actual capacity of the car will govern, but in no case shall the carload minimum weight be less than forty (40) thousand pounds, from Canton, N. Y., to Lowville, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1670, of date September 6, 1910."

Completed by P. S. C. No. 8450, effective September 9, 1910.

No. 1671; September 6, 1910; Murray's Line:

Ordered: That the Murray's Line be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 9, establishing rate of 11½ cents per hundred pounds, on Alum, Bleach, Brimstone, Clay, Sulphur, and Wood Pulp, carloads, minimum weight as per official classification in effect at time of shipment, from all points within the free lighterage limits of New York Harbor, via Murray's Line, Troy, N. Y., and the Boston and Maine railroad, to Mechanicville, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission. Second District, State of New York, No. 1671, of date September 6, 1910."

Completed by P. S. C. No. 9, effective September 10, 1910.

No. 1672; September 7, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to amend, on one (1) day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 442, by the issuance of supplement No. 13 thereto, establishing a rate of 65 cents per 2000 pounds on Crushed Stone, Trap Rock, Mine Rock, or Broken Stone, carloads, minimum weight to be marked capacity of car, except when cars are loaded to their visible capacity actual weight shall govern, but in no case shall the minimum carload weight be less than 40,000 pounds, from Jamesville, N. Y., Syracuse (Rock Cut Switch), N. Y., and Solvay, N. Y., to New Hartford and Utica, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1672, of date September 7, 1910."

Completed by supplement No. 13 to P. S. C. No. 442, effective September 10, 1910.

No. 1673; September 7, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue on one (1) day's notice to the public and Commission a freight tariff as its P. S. C., 2 N. Y., No. 1750, establishing a rate of $1.00 per 2000 pounds on Ice in carloads, minimum weight 50,000 pounds unless the marked capacity of car is less, in which case the marked capacity will govern, but in no case shall the minimum carload weight be less than 40,000 pounds, from Huguenot (Reulings Switch), N. Y., to Stony Ford, N. Y. Said tariff shall be filed and posted within 10 days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1673, of date September 7, 1910."

Completed by P. S. C. No. 1750, effective September 10, 1910.

No. 1674; September 7, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, freight tariff as its P. S. C., 2 N. Y., No. 8454, establishing rate of sixty (60) cents per two (2) thousand pounds on Ice, in carloads, minimum weight 50,000 pounds unless marked capacity of car is less, in which case the marked capacity will govern, but in no case will the minimum carload weight be less than 40,000 pounds, from Pawling, N. Y., to Amenia, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on

one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1674, of date September 7, 1910."

Completed by P. S. C. No. 8454, effective September 10, 1910.

No. 1675; September 7, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8455, establishing a rate of 65 cents per 2000 pounds on Ice, carloads, minimum weight 50,000 pounds unless marked capacity of car is less, in which case the marked capacity will govern, but in no case will the carload minimum be less than 40,000 pounds, from Fort Plain, N. Y., to Williamstown, N. Y., and Westdale, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1675, of date September 7, 1910."

Completed by P. S. C. No. 8455, effective September 9, 1910.

No. 1676; September 7, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a joint freight tariff as its P. S. C., 2 N. Y., No. 1818, establishing without change rates first to sixth classes, inclusive, applying to the shipment of general merchandise in effect prior to August 15, 1910, in its joint freight tariff P. S. C., 2 N. Y., No. 1591. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1676, of date September 7, 1910."

Completed by P. S. C. No. 1818, effective September 15, 1910.

No. 1677; September 9, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 8462, establishing a rate of eighteen (18) cents per one hundred (100) pounds on Hay and Straw pressed in bales, carloads, minimum weight as per official classification in effect at time of shipment, from Malone, N. Y., Whippleville, N. Y., Chasm Falls, N. Y., Owls Head, N. Y., and Mountain View, N. Y., to stations on Hudson division, New Hamburgh, N. Y., to and including 33rd Street station, New York city, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1677, of date September 9, 1910."

Completed by P. S. C. No. 8462, effective September 19, 1910.

No. 1678; September 9, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 8464, establishing a rate of fifty (50) cents per two thousand (2000) pounds, on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the minimum weight be less than forty thousand (40,000) pounds, from Massena Springs, N. Y., to DeKalb Junction, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order

and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1678, of date September 9, 1910."

Completed by P. S. C. No. 8464, effective September 15, 1910.

No. 1679; September 10, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 589, establishing a rate of one dollar and thirty-five cents ($1.35) per two thousand (2000) pounds on Ice in carloads, minimum weight forty-four thousand (44,000) pounds, from Silver Lake, N. Y., over the Silver Lake Railway, via Silver Lake Junction, N. Y., and over the Buffalo, Rochester and Pittsburgh Railway to Maplewood, N. Y., thence via West Shore Railroad and New York Central and Hudson River Railroad to Utica, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1679, of date September 10, 1910."

Completed by P. S. C. No. 589, effective September 14, 1910.

No. 1680; September 12, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel, on five (5) days' notice to the public and Commission, its local coal tariff P. S. C., 2 N. Y., No. C–106, issued to take effect October 1, 1910, and to reissue without change all the rates contained therein, together with a rate of fifty (50) cents per two thousand two hundred and forty (2240) pounds on Anthracite Coal Screenings, in carloads, minimum weight fifteen (15) gross tons of two thousand two hundred and forty (2240) pounds per ton, from Brockport, N. Y., to Suspension Bridge, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1680, of date September 12, 1910."

Completed by P. S. C. No. C–107, effective October 1, 1910.

No. 1681; September 17, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. D–1763, establishing a rate of eight (8) cents per hundred pounds on Apples and Pears in carloads, minimum weight as per official classification in effect at the time of shipment, from New York state stations Burdett, Groton, and Moravia, over the Lehigh Valley railroad and Buffalo, Rochester and Pittsburg railway, via Pittsburg and Lehigh Junction, N. Y., to New York state stations Garbutt, Leroy, Lime Rock, Lincoln Park (Monroe county), Maplewood (Monroe county), Mumford, Rochester, and Scottsville (Monroe county). Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and the Commission under special permission from the Public Service Commission, Second District, State of New York, No. 1681, of date September 17, 1910.

Supplemental to No. 1681; October 6, 1910; Lehigh Valley Railroad Company:

Ordered: That special permission order No. 1681 of date September 17, 1910, authorizing Lehigh Valley Railroad Company to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. D–1763, and requiring said tariff to be filed and posted within ten (10) days from the date of the order, be and is hereby amended, extending the time

in which said tariff shall be filed and posted from ten (10) days from September 17, 1910, to twenty-five (25) days from September 17, 1910.

Completed by P. S. C. No. D–1763, effective October 9, 1910.

No. 1682; September 13, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a freight tariff properly P. S. C., 2 N. Y., numbered, establishing a rate of nine (9) cents per one hundred (100) pounds on Wooden Railroad Ties, in carloads, minimum weight forty thousand (40,000) pounds, from Malone, N. Y., and Tekene, N. Y., to Massena Springs, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1682, of date September 13, 1910."

Completed by P. S. C. No. 8478, effective September 17, 1910.

No. 1683; September 14, 1910; Buffalo and Susquehanna Railway, H. I. Miller, Receiver:

Ordered: That the Buffalo and Susquehanna Railway, H. I. Miller, Receiver, be and is hereby authorized to amend, on one (1) day's notice to the public and Commission, its local and joint freight tariff P. S. C., 2 N. Y., No. 1, by the issuance of supplement No. 4 thereto, postponing the effective date of supplement No. 2 until November 1, 1910. Said tariff shall be filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1683, of date September 14, 1910."

Completed by supplement No. 4 to P. S. C. No. 1, effective September 18, 1910.

No. 1684; September 14, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on three (3) days' notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1752, establishing a rate of one dollar and twenty cents ($1.20) per two thousand (2000) pounds, which rate includes handling charge of ten (10) cents per two thousand (2000) pounds from boat at Cornwall, N. Y., on Crushed Stone, in carloads, minimum weight ninety (90) per cent of the marked capacity of car, except when cars are loaded to their visible capacity in which case actual weight will apply, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, from Cornwall, N. Y., to Sidney, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1684, of date September 14, 1910."

Completed by P. S. C. No. 1752, effective September 24, 1910.

No. 1685; September 14, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. D–1759, establishing on Pears in carloads, minimum weight as per official classification in effect at time of shipment, a rate of ten (10) cents per one hundred (100) pounds, and on less carload shipments twenty (20) cents per one hundred (100) pounds; and on Cherries in carloads, minimum weight as per official classification in effect at time of shipment, twenty (20) cents per one hundred (100) pounds, and on less carload shipments twenty-four (24) cents per one hundred (100) pounds, from Geneva, N. Y., over the Lehigh Valley Railroad, via Ithaca, N. Y., and Delaware, Lackawanna and Western Railroad to Fulton, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and

bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1685, of date September 14, 1910."
Completed by P. S. C. No. D–1759, effective September 17, 1910.

No. 1686; September 14, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee): Not used; no schedule to complete the order filed within the time limit.

No. 1687; September 14, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8470, establishing a rate of sixty (60) cents per two thousand (2000) pounds on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the carload minimum weight be less than forty thousand pounds, from Hillsdale, N. Y., to Amenia, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1687, of date September 14, 1910."
Completed by P. S. C. No. 8470, effective September 17, 1910.

No. 1688; September 15, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8482, establishing a rate of ten and one-half (10½) cents per one hundred (100) pounds on Acid, in carboys and tank cars, carloads, minimum weight as per official classification in effect at time of shipment, from Buffalo, N. Y., Carroll Street, Ohio Street and Erie Street, and East Buffalo, N. Y., to Amsterdam, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1688, of date September 15, 1910."
Completed by P. S. C. No. 8482, effective September 19, 1910.

No. 1689; September 15, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its joint freight tariff P. S. C., 2 N. Y., No. 8479, establishing a rate of forty-eight (48) cents per one hundred (100) pounds on Peaches, Green, in baskets or crates, prepaid, carloads, minimum weight as per official classification in effect at time of shipment, from Williamson, N. Y., over the New York Central and Hudson River railroad via Schenectady, N. Y., and The Delaware and Hudson Company's railroad to Saratoga Springs, N. Y., Glens Falls, N. Y., Gansevoort, N. Y., Fort Edward, N. Y., and Sandy Hill, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1689, of date September 15, 1910."
Completed by P. S. C. No. 8479, effective September 19, 1910.

No. 1690: September 15, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the

public and Commission, a joint freight tariff as its P. S. C., 2 N. Y., No. 8481, establishing a rate of sixty (60) cents per two thousand (2000) pounds on Crushed Stone, carloads, minimum weight ninety per cent (90%) of the marked capacity of car, but not less than fifty-four thousand (54,000) pounds, from Solvay, N. Y., over the New York Central and Hudson River Railroad, via Canastota, N. Y., and the Lehigh Valley Railroad, to South Bay (Onionville Siding), N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1690, of date September 15, 1910."

Completed by P. S. C. No. 8481, effective September 19, 1910.

No. 1691; September 15, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to amend, on not less than fifteen (15) days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 588, applying locally on Grain and Grain Products, by the issuance of supplement No. 1 thereto, correcting page 5 and showing in column headed "To" opposite index No. 225, station Riceville, and column headed "From" No. 55, Springville, under commodity groups, the rates in cents per hundred pounds, as follows: C, two and one-half (2½); and D, three and one-half (3½). Said tariff shall be filed and posted under an effective date of October 10, 1910, and bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 1691, of date September 15, 1910."

Completed by supplement No. 1 to P. S. C. No. 588, effective October 10, 1910.

No. 1692; September 15, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 1214, canceling freight tariff P. S. C., 2 N. Y., No. 1209, and reissuing the rates contained therein without change, other than to establish on Crushed Stone in carloads, minimum weight to be the marked capacity of car except when cars are loaded to their visible capacity, when the actual weight will govern, but in no case will the minimum weight be less than forty thousand (40,000) pounds, rate of seventy (70) cents per two thousand (2000) pounds, from Syracuse, N. Y., and Syracuse (Rock Cut), N. Y., over the Delaware, Lackawanna and Western Railroad and the Lehigh Valley Railroad to Dryden, N. Y.; also to establish, effective October 8, 1910, on same commodity in carloads, same minimum weight, rate of seventy (70) cents per two thousand (2000) pounds, from Solvay, N. Y., over the Delaware, Lackawanna and Western Railroad and the Lehigh Valley Railroad, to Dryden, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1692, of date September 15, 1910."

Completed by P. S. C. No. 1214, effective September 19, and October 8, 1910.

No. 1693; September 16, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 1754, establishing a rate of $1.00 per 2000 lbs., applying on ice in carloads, minimum weight 50,000 lbs. unless marked capacity of the car is less, in which case the marked

capacity of the car will govern, but in no case will the minimum carload weight be less than 40,000 lbs., from Huguenot (Reulings Switch), N. Y., over the New York, Ontario and Western Railway to Rock Tavern, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1693, of date September 16, 1910."

Completed by P. S. C. No. 1754, effective September 19, 1910.

No. 1694; September 16, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 1194, by the issuance of supplement No. 2 thereto, making no change therein other than to postpone the effective date of the tariff from October 6 until November 1, 1910. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and the Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1694, of date September 16, 1910."

Completed by supplement No. 2 to P. S. C. No. 1194, effective September 21, 1910.

No. 1695; September 16, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 2230, by the issuance of supplement No. 11 thereto, establishing a rate of two dollars and twenty cents per ton of two thousand pounds on common brick in carloads, minimum weight as per official classification in effect at the time of shipment, from Mechanicville, N. Y., over The Delaware and Hudson Company's Railroad to Sidney, N. Y., thence via the New York, Ontario and Western Railway to Centreville, N. Y., and to Mountaindale, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and the Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1695, of date September 16, 1910.

Completed by supplement No. 11 to P. S. C. No. 2230, effective September 20, 1910.

No. 1696; September 16, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 2141, by the issuance of supplement No. 7 thereto, establishing a rate of seventy-five cents (.75) per two thousand pounds on ice in carloads, minimum weight as per official classification in effect at the time of shipment, from Albany, N. Y., over The Delaware and Hudson Company's railroad and Cooperstown and Charlotte Valley railroad, via Oneonta, N. Y., to Cooperstown, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and the Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1696, of date September 16, 1910.

Completed by supplement No. 7 to P. S. C. No. 2141, effective September 20, 1910.

No. 1697; September 19, 1910; The Marcellus and Otisco Lake Railway Company:

Ordered: That the Marcellus and Otisco Lake Railway Company be and is hereby authorized to issue on one (1) day's notice to the public and the Commission its freight tariff P. S. C., 2 N. Y., No. 11, establishing a rate

of fifty-five (55) cents per two thousand pounds on Crushed Stone, carloads, minimum weight sixty (60) thousand pounds, from Martisco, N. Y., over the Marcellus and Otisco Lake Railway Company to Giffords (Onondaga county), N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and the Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1697, of date September 19, 1910."

Completed by P. S. C. No. 11, effective September 25, 1910.

No. 1698; September 19, 1910; Buffalo and Lake Erie Traction Company:

Ordered: That the Buffalo and Lake Erie Traction Company be and is hereby authorized to amend, on three (3) days' notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. A–2, by the issuance of a supplement as No. 2 thereto, canceling supplement No. 1, and establishing on fruits: Apples, Pears, Peaches, Plums, Grapes, and Quinces; and on vegetables: Asparagus, Beets, Beans (Green), Corn (Green), Carrots, Cabbage, Cauliflower, Cucumbers, Onions, Potatoes, Peas (Green), Squash, Tomatoes, and Turnips in baskets, boxes, or crates, less than carload shipments, to or from Buffalo, N. Y., and local stations Athol Springs to and including Westfield, N. Y., rates in cents per basket, box, or crate as follows: four (4) pounds covered, one; four (4) pounds open, one and one-half; eight (8) pounds covered, one and one-half; eight (8) pounds open, two; twenty (20) pounds covered, four; twenty (20) pounds open, four and one-half; one bushel package covered, ten; one bushel package open, twelve and one-half; minimum charge fifteen cents; and in either direction between stations Angola, N. Y., and Westfield, N. Y., and points intermediate thereto the rates in cents per basket, crate, or box as follows: four (4) pounds covered, one-half; four (4) pounds open, one; eight (8) pounds covered, one; eight (8) pounds open, one and one-half; twenty (20) pounds covered, three and one-half; twenty (20) pounds open, four; one bushel package covered, eight; one bushel package open, ten, minimum charge fifteen cents; also in either direction between Westfield, N. Y., and State Line, N. Y., the rates in cents per basket, box, or crate as follows: four (4) pounds covered, one-half; four (4) pounds open, one; eight (8) pounds covered, one; eight (8) pounds open, one and one-half; twenty (20) pounds covered, three and one-half; twenty (20) pounds open, four; one bushel package covered, eight; one bushel package open, ten, minimum charge fifteen cents. The through rate between any point in one group to a point in any other group will be obtained by combination of group rates. Said tariff shall be filed and posted within ten days from date of this order and bear the following notation: "Issued on three days' notice to the public and the Commission under special permission of the Public Service Commission, Second District, State of New York. No. 1698, of date September 19. 1910.

Completed by supplement No. 22 to P. S. C. No. A–2, effective September 26, 1910.

No. 1699; September 19 1910; Poughkeepsie City and Wappingers Falls Electric Railway Company:

Ordered: That the Poughkeepsie City and Wappingers Falls Electric Railway Company be and is hereby authorized to amend, on five (5) days' notice to the public and the Commission, its passenger tariff P. S. C. 2 N. Y., No. 1, by the issuance of a supplement as No. 2 thereto, canceling supplement number one, and reissuing the matter contained therein with local application instead of joint in connection with the Central New England Railway Company, and making such other changes as are set forth in the application as amended. Said tariff shall be filed and posted under an effective date October 1, 1910, and bear the following notation: "Issued on five (5) days' notice to the public and the Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1699, of date September 19, 1910."

Completed by supplement No. 2 to P. S. C. No. 1, effective October 1, 1910.

No. 1700; September 20, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 8499, establishing on ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the carload minimum weight be less than forty thousand pounds, the rates in cents per two thousand pounds, from Furniss, N. Y., to various New York state stations as follows: Over the New York Central and Hudson River railroad to Williamstown, fifty-five (55), and to Sullivan, seventy (70), and over the New York Central and West Shore railroads to Kirkville, sixty-five (65), and to Canastota, seventy (70). Said tariff shall be posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1700, of date September 20, 1910."

Completed by P. S. C. No. 8499, effective September 23, 1910.

No. 1701; September 20, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 8498, establishing a rate of thirty (30) cents per two thousand pounds on earth, n. o. s. (soil), carloads, minimum weight marked capacity of the car, but not less than forty thousand pounds, from Depew, N. Y., over the New York Central and Hudson River railroad to Buffalo (Carroll Street, Ohio Street, and Erie Street), East Buffalo, N. Y., and Black Rock, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1701, of date September 20, 1910."

Completed by P. S. C. No. 8498, effective September 26, 1910.

No. 1702; September 20, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 1755, establishing a rate of one (1) dollar per two thousand pounds on ice in carloads, minimum weight fifty thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case will the minimum weight be less than forty thousand pounds, from Huguenot (Reulings Switch), N. Y., over the New York, Ontario and Western Railway to Kyserike, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1702, of date September 20, 1910."

Completed by P. S. C. No. 1755, effective September 24, 1910.

No. 1703; September 20, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 2277, canceling freight tariff P. S. C., 2 N. Y., No. 2085, publishing carload rates on lumber and forest products from Buffalo, N. Y., etc., over the West Shore railroad via Newark, N. Y., to stations on the Pennsylvania railroad; and to establish on the same articles and from and to the same points the rates which were in effect prior to September first, nineteen

hundred and ten, contained in freight tariff P. S. C., 2 N. Y., No. 1219. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1703, of date September 20, 1910.

Completed by P. S. C. No. 2277, effective September 29, 1910.

No. 1704; September 22, 1910; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff properly P. S. C., 2 N. Y., numbered, establishing a rate of six (6) cents per hundred pounds on publisher's outfit consisting of printing presses, linotypes, type, type metal, book-binder's presses, machinery, electrotype plates, engraving plates, engraved plates, stationery, and second-hand furniture, and fixtures in straight or mixed carloads, minimum weight twenty-four thousand pounds, from Long Island City, N. Y., over the Long Island railroad to Garden City, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1704, of date September 22, 1910."

Completed by P. S. C. No. 286, effective September 24, 1910.

No. 1705; September 22, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. D–1396, establishing a rate of seventy-five (75) cents per two thousand pounds on ice in carloads, minimum carload weight as per official classification in effect at the time of shipment, from Martville, N. Y., and Cato, N. Y., over the Lehigh Valley railroad to Truxton, N. Y., and Clockville, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and the Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1705, of date September 22, 1910."

Completed by P. S. C. No. D–1396, effective September 29, 1910.

No. 1706; September 22, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to amend, on one (1) day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 1527, by the issuance of a supplement as No. 4 thereto, establishing a rate of thirty (30) cents per two thousand pounds on ice, carloads, minimum carload weight as per official classification in effect at the time of shipment, from Callicoon, N. Y., over the Erie railroad to Hankins, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1706, of date September 22, 1910."

Completed by supplement No. 4 to P. S. C. No. 1527, effective September 27, 1910.

No. 1707; September 22, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 592, establishing a rate of fifty (50) cents per two thousand pounds on green corn in the ear, in carloads, loaded in open cars, minimum carload weight twenty-four thousand pounds, from Pearl Creek, N. Y., over the Buffalo, Rochester and Pittsburgh Railway to LeRoy, N. Y. Said tariff shall be filed and posted within ten (10) days

from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1707, of date September 22, 1910."

Completed by P. S. C. No. 592, effective September 25, 1910.

No. 1708; September 22, 1910; Penn Yan, Keuka Park and Branchport Railway Company:

Ordered: That the Penn Yan, Keuka Park and Branchport Railway Company be and is hereby authorized to issue, on three (3) days' notice to the public and Commission, its local proportional freight tariff P. S. C., 2 N. Y., No. 18, establishing a rate of five cents per hundred pounds on grapes, in carloads, minimum weight twenty-four thousand pounds, from Bluff Point, N. Y., over the Penn Yan, Keuka Park and Branchport Railway to Penn Yan, N. Y., said rates to apply only on shipments destined to points beyond, reached via the Pennsylvania railroad and its connections, to which no joint rates are in force. Said tariff shall be filed and posted within twenty days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1708, of date September 22, 1910."

Completed by P. S. C. No. 18, effective October 10, 1910.

No. 1709; September 23, 1910; Western New York and Pennsylvania Traction Company:

Ordered: That the Western New York and Pennsylvania Traction Company be and is hereby authorized to issue, on ten (10) days' notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 114, establishing a rate of forty (40) cents per two thousand pounds on lumber, carloads, minimum weight as per official classification in effect at the time of shipment, from connection at East Salamanca with the Buffalo, Rochester and Pittsburgh Railway, over the Western New York and Pennsylvania Traction Company to Olean, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1709, of date September 23, 1910."

Tariff P. S. C. No. 114 rejected by the Commission; see order No. 1709.

No. 1710; September 24, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That the New York Central and Hudson River railroad be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 7070, by the issuance of supplement No. 12 thereto, canceling supplement No. 11, and reissuing the matter contained therein without change other than to correct error on title page in supplement No. 11 by providing that supplements Nos. 7, 8, 10, and 12 are in effect and contain all changes. Said tariff shall be filed and posted under an effective date of October 1, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1710, of date September 24, 1910."

Completed by supplement No. 12 to P. S. C. No. 7070, effective October 1, 1910.

No. 1711; September 24, 1910; West Shore Railroad (New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 1836, by the issuance of supplement No. 11 thereto, canceling supplement No. 10, and reissuing the matter contained therein without

change other than to correct error on title page in supplement No. 10 by providing that supplements Nos. 6, 7, 9, and 11 are in effect and contain all changes. Said tariff shall be filed and posted under an effective date of October 1, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1711, of date September 24, 1910."

Completed by supplement No. 11 to P. S. C. No. 1836, effective October 1, 1910.

No. 1712; September 24, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue on one (1) day's notice to the public and the Commission its freight tariff P. S. C., 2 N. Y., No. 2279, establishing a rate of thirty-five (35) cents per two thousand pounds on ice, carloads, minimum weight fifty (50) thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case will the carload minimum weight be less than forty (40) thousand pounds, from Chittenango, N. Y., over the West Shore railroad to Canastota, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1712, of date September 24, 1910."

Completed by P. S. C. No. 2279, effective September 30, 1910.

No. 1713; September 26, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 2285, establishing a rate of forty-five (45) cents per two thousand pounds, on ice, carloads, minimum weight fifty (50) thousand pounds except when marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty (40) thousand pounds, from South Utica, N. Y., over the West Shore railroad and the New York Central and Hudson River railroad to Rome, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1713, of date September 26, 1910."

Completed by P. S. C. No. 2285, effective September 30, 1910.

No. 1714; September 27, 1910; Poughkeepsie City and Wappingers Falls Electric Railway Company:

Ordered: That the Poughkeepsie City and Wappingers Falls Electric Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a passenger tariff as its P. S. C., 2 N. Y., No. 2, canceling passenger tariff P. S. C., 2 N. Y., No. 1 and supplement No. 1 thereto, and reissuing the matter contained therein, making no change other than as follows: Under caption "School Tickets" to change the word "children" to "students," and after the words "attending school" add "or college"; under caption "Dogs" add the following: "Upon application to the general office of the company, special permits will be issued for passengers to take hunting dogs on the front platforms of cars on the Wappinger division for which the regular adult fare will be charged"; and to provide under caption "Special Monthly Commutation Tickets" the following: "Monthly tickets with coupons attached, equivalent to fifty-two (52) rides between Poughkeepsie and Wappingers Falls, will be sold for $5.20. They are not transferable; not good on Sundays or holidays; good on the Wappinger division only on trips scheduled to leave either terminus at or before 8 a. m., and between 3:30 p. m. and 6 p. m., and between 12 noon

and 6 p. m. on Saturdays; good on other divisions only on cars connecting with Wappingers cars scheduled as above, and good only during the current month in which sold." Said tariff shall be filed and posted under an effective date October 1, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1714, of date September 27, 1910."

Completed by P. S. C. No. 2, effective October 1, 1910.

No. 1715; September 27, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 8520, establishing a rate of one dollar and ten cents ($1.10) per two thousand pounds on ice, carloads, minimum weight fifty (50) thousand pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case will the minimum weight be less than forty (40) thousand pounds, from Furniss, N. Y., over the New York Central and Hudson River railroad and the West Shore railroad to Sprakers, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1715, of date September 27, 1910."

Completed by P. S. C. No. 8520, effective September 30, 1910.

No. 1716; September 27, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 1824, establishing a rate of seventy (70) cents per two thousand pounds on crushed stone, carloads, minimum weight to be the marked capacity of the car, but in no case less than forty (40) thousand pounds, from Suffern, N. Y., over the Erie railroad to Port Jervis, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1716, of date September 27, 1910."

Completed by P. S. C. No. 1824, effective October 3, 1910.

No. 1717; September 28, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 8524, establishing on ice, carloads, minimum weight fifty (50) thousand pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case less than forty (40) thousand pounds, a rate of fifty (50) cents per two thousand pounds from Auburn, N. Y., over the New York Central and Hudson River railroad to Lyons, N. Y., and Syracuse, N. Y., and ninety (90) cents per two thousand pounds to Utica, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1717, of date September 28, 1910."

Completed by P. S. C. No. 8524, effective October 3, 1910.

No. 1718; September 28, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 500, by the

issuance of supplement No. 5 thereto, canceling supplement No. 4, and reissuing the matter contained therein, making no change other than to show items Nos. 16 and 17 as reissued from supplement No. 3, effective August 22, 1910. Said tariff shall be filed and posted under an effective date October 3, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1718, of date September 28, 1910."

Completed by supplement No. 5 to P. S. C. No. 500, effective October 14, 1910.

No. 1719.; September 29, 1910; Greenwich and Johnsonville Railway Company:

Ordered: That the Greenwich and Johnsonville Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 263, establishing a rate of one dollar ($1.00) per twenty-two hundred and forty pounds on crushed stone in carloads, minimum carload weight as per official classification in effect at the time of shipment, from Northumberland, N. Y., over the Greenwich and Johnsonville railway via Johnsonville, N. Y., and the Boston and Maine railroad, to Troy, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1719, of date September 29, 1910."

Completed by P. S. C. No. 263, effective October 4, 1910.

No. 1720; September 29, 1910; The New York, New Haven and Hartford Railroad Company:

Ordered: That The New York, New Haven and Hartford Railroad Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 183, exceptions to the official classification, by the issuance of a supplement thereto as No. 10, canceling supplement No. 9, and reissuing the matter contained therein, making no change other than in item No. two hundred and eighty-seven (287), applying on glass lantern globes and glass chimneys in packages, carloads, and less than carloads, and changing the expiration date from October 15, 1910, to November 5, 1910. Said tariff shall be filed and posted under an effective date October 5, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1720, of date September 29, 1910."

Completed by supplement No. 10 to P. S. C. No. 183, effective October 5, 1910.

No. 1721; October 1, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 8540, establishing a rate of one dollar and ten cents ($1.10) per two thousand pounds on ice, carloads, minimum weight fifty (50) thousand pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty (40) thousand pounds, from Furniss, N. Y., over the New York Central and Hudson River and West Shore railroads to Fultonville, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1721, of date October 1, 1910."

Completed by P. S. C. No. 8540, effective October 5, 1910.

No. 1722; October 1, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 8538, establishing a rate of one dollar and ten cents ($1.10) per two thousand pounds on ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty (40) thousand pounds, from Furniss, N. Y., over the New York Central and Hudson River railroad to Middleville, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1722, of date October 1, 1910."

Completed by P. S. C. No. 8538, effective October 5, 1910.

No. 1723; October 1, 1910; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a properly numbered freight tariff as canceling its freight tariff P. S. C., 2 N. Y., No. 232, reissuing the matter contained therein without change, and in addition to establish a rate of one dollar and seventy-five cents ($1.75) per thousand feet on logs, carloads, minimum four (4) thousand feet, from Tupper Lake, N. Y., and Tupper Lake Junction, N. Y., over the New York and Ottawa railway to St. Regis Falls, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1723, of date October 1, 1910."

Completed by P. S. C. No. 237, effective October 6, 1910.

No. 1724; October 3, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1832, establishing a rate of fifty-five (55) cents per two thousand pounds on ice, carloads, minimum weight as per official classification in effect at the time of shipment. from Perry, N. Y., over the Buffalo, Rochester and Pittsburgh railway via Silver Springs, N. Y., and Erie railroad to Attica, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1724, of date October 3, 1910."

Completed by P. S. C. No. 1832, effective October 15, 1910.

No. 1725; October 3, 1910; The New York, New Haven and Hartford Railroad Company:

Ordered: That The New York, New Haven and Hartford Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. F–16, and establish therein rates to apply on bran. feed, flour. grain, etc., from Harlem River, N. Y., and piers 45 and 50, East River, N. Y., to various of its stations in New York state, which rates are in no instance to be higher than are the rates applicable to such shipments now in force. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1725, of date October 3, 1910."

Completed by P. S. C. No. F–16, effective October 13, 1910.

No. 1726; October 4, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1764, establishing a rate of ten (10) cents per one hundred pounds on nursery moss in carloads, minimum weight as per official classification in effect at the time of shipment, from Cleveland, N. Y., over the New York, Ontario and Western railway, via Oneida, N. Y., and the New York Central and Hudson River railroad to Rochester, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1726, of date October 4, 1910."

Completed by P. S. C. No. 1764, effective October 9, 1910.

No. 1727; October 4, 1910; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to amend, on fifteen (15) days' notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 384, by the issuance of a supplement as No. 1 thereto, making no change other than to add 60th Street, New York, to list of New York city stations as shown on page four of the tariff at rates of group No. 15 as shown therein. Said tariff shall be filed and published under an effective date November 1, 1910, and bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1727, of date October 4, 1910."

Completed by supplement No. 1 to P. S. C. No. 384, effective November 1, 1910.

No. 1728; October 4, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2298, establishing a rate of one dollar and twenty-five cents ($1.25) per two thousand pounds on ice, carloads, minimum weight fifty (50) thousand pounds unless the marked capacity of car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than forty (40) thousand pounds, from South Utica, N. Y., over the West Shore and New York Central and Hudson River railroads to Tupper Lake Junction, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1728, of date October 4, 1910."

Completed by P. S. C. No. 2298, effective October 8, 1910.

No. 1729; October 5, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 2357, by the issuance of a supplement as No. 11 thereto, establishing a rate of ninety (90) cents per two thousand pounds on crushed stone in carloads, minimum weight ninety (90) per cent of marked capacity of car, but not less than fifty-four (54) thousand pounds, from Cobleskill, N. Y., over The Delaware and Hudson Company's railroad via Schenectady and the New York Central and Hudson River railroad to Amsterdam and Fonda, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special

permission of the Public Service Commission, Second District, State of New York, No. 1729, of date October 5, 1910."

Completed by supplement No. 11 to P. S. C. No. 2357, effective October 11, 1910.

No. 1730; October 5, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2440, establishing a rate of one dollar and twenty cents ($1.20) per two thousand pounds on crushed stone in carloads, minimum weight ninety (90) per cent of marked capacity of car, but not less than fifty-four (54) thousand pounds, from Cobleskill, N. Y., over The Delaware and Hudson Company's railroad via Schenectady, and the New York Central and Hudson River railroad via Fonda, and the Fonda, Johnstown and Gloversville railroad to Johnstown, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1730, of date October 5, 1910."

Completed by P. S. C. No. 2440, effective October 8, 1910.

No. 1731; October 6, 1910; Boston and Maine Railroad:

Ordered: That the Boston and Maine Railroad be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 285, exceptions to official classification, by the issuance of a supplement thereto as No. 9, canceling supplement No. 8, and reissuing the matter contained therein, making no change other than to show on title page in connection with P. S. C., 2 N. Y., No. 285, that supplements Nos. 3, 4, and 9 are in effect and contain all changes. The effective date of supplement No. 5 postponed to November 1, 1910, by supplement No. 7. Said tariff shall be filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1731, of date October 6, 1910."

Completed by supplement No. 9 to P. S. C. No. 285, effective October 12, 1910.

No. 1732; October 6, 1910; Western New York and Penna. Traction Company:

Ordered: That the Western New York and Penna. Traction Company be and is hereby authorized to issue, on ten (10) days' notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 115 in lieu of P. S. C., 2 N. Y., No. 114 rejected by the Commission, establishing a rate of forty (40) cents per two thousand pounds on lumber, carloads, minimum weight as per official classification in effect at the time of shipment, from connection at East Salamanca with the Buffalo, Rochester and Pittsburgh Railway, over the Western New York and Penna. Traction Company to Olean, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1732, of date October 6, 1910."

Completed by P. S. C. No. 115, effective October 20, 1910.

No. 1733; October 7, 1910; Poughkeepsie City and Wappingers Falls Electric Railway Company:

Ordered: That the Poughkeepsie City and Wappingers Falls Electric Railway Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its passenger tariff P. S. C., 2 N. Y., No. 2, by the issuance of a supplement as No. 1 thereto, and to change the matter

shown on page 5 under heading "Special Monthly Commutation Tickets" and provide for an extension of time and cars on which the special monthly commutation tickets may be used. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1733, of date October 7, 1910."

Completed by supplement No. 1 to P. S. C. No. 2, effective October 25, 1910.

No. 1734; October 7, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8557, establishing a rate of fifty-five (55) cents per two thousand pounds on Ice, carloads, minimum weight fifty (50) thousand pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the minimum weight be less than forty (40) thousand pounds, from Furniss, N. Y., over the New York Central and Hudson River railroad to Westdale, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1734, of date October 7, 1910."

Completed by P. S. C. No. 8557, effective October 11, 1910.

No. 1735; October 7, 1910; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1220, establishing on precipitated limestone, carloads, minimum weight thirty-six (36) thousand pounds, the same rates as are now in force in its freight tariff P. S. C., 2 N. Y., No. 701, applying on agricultural or land lime, carloads, from Syracuse, N. Y., as applying from Solvay, N. Y., to various stations local to the Delaware, Lackawanna and Western railroad, when such traffic constitutes commerce subject to the supervision of this Commission. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1735, of date October 7, 1910."

Completed by P. S. C. No. 1220, effective October 13, 1910.

No. 1736; October 10, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 601, establishing a rate of one dollar ($1.00) per two thousand pounds on ice, in carloads, minimum weight fifty (50) thousand pounds, from Silver Lake, N. Y., over the Buffalo, Rochester and Pittsburgh railway via Rochester, and the New York Central and Hudson River railroad to Brockport, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1736, of date October 10, 1910."

Completed by P. S. C. No. 601, effective October 13, 1910.

No. 1737; October 10, 1910; New Paltz, Highland and Poughkeepsie Traction Company:

Ordered: That the New Paltz, Highland and Poughkeepsie Traction Company be and is hereby authorized to amend or reissue, on one (1) day's

notice to the public and Commission, its passenger tariff P. S. C., 2 N. Y., No. 1, making no change therein other than in the matter now as shown in tariff under caption "School Tickets," increasing the age limit of scholars to whom monthly books containing fifty (50) tickets will be sold. Said tariff shall be filed and posted within twenty (20) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1737, of date October 10, 1910."

Completed by supplement No. 1 to P. S. C. No. 1, effective October 31, 1910.

No. 1738; October 11, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2442, establishing a rate of six (6) cents per hundred pounds on rye grain in carloads, minimum weight as per official classification in effect at the time of shipment, from Cambridge, N. Y., over The Delaware and Hudson Company's railroad via Eagle Bridge to Troy, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1738, of date October 11, 1910."

Completed by P. S. C. No. 2442, effective October 14, 1910.

No. 1739; October 11, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8567, establishing a rate of sixty (60) cents per two thousand pounds on rough quarried stone, carloads, minimum weight 90 per cent of the marked capacity of car, but not less than fifty-four thousand pounds, from Hammond, N. Y., over the New York Central and Hudson River railroad to Adams, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1739, of date October 11, 1910."

Completed by P. S. C. No. 8567, effective October 15, 1910.

No. 1740; October 11, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y.. No. 8568, establishing therein rates in cents per two thousand pounds, applying to the shipment of precipitated limestone in carloads, minimum weight fifty (50) thousand pounds, from Solvay, N. Y., and Syracuse, N. Y., over the New York Central and Hudson River railroad to various local stations and over the New York Central and Hudson River railroad and West Shore railroad to various local West Shore stations, such rates in all cases to be lower than the present effective 6th-class rates and to be the same as is shown in statement of proposed rates accompanying the application. Said tariff shall be issued in ten (10) days from the date of the order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1740, of date October 11, 1910."

Completed by P. S. C. No. 8568, effective October 15, 1910.

No. 1741; October 11, 1910; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the

public and the Commission, a passenger tariff as its P. S. C., 2 N. Y., No. 162, establishing special Sunday excursion fares applying to the sale of tickets for the transportation of adults and children over the steam division of the Fonda, Johnstown and Gloversville Railroad from Johnstown, N. Y., and Gloversville, N. Y., to Broadalbin, N. Y., and return; from Northville, N. Y., Cranberry Creek, N. Y., Mayfield, N. Y., and Broadalbin, N. Y., to Gloversville, N. Y., and return; and from Johnstown, N. Y., and Gloversville N. Y., to Northville, N. Y., and return. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1741, of date October 11, 1910."

Completed by P. S. C. No. 162, effective October 16, 1910.

No. 1472; October 12, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2302, establishing a rate of ninety (90) cents per two thousand pounds on ice, carloads, minimum weight fifty (50) thousand pounds unless marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case will the minimum weight be less than forty (40) thousand pounds, from South Utica, N. Y., over the West Shore and New York Central and Hudson River railroads to Schenectady, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1742, of date October 12, 1910."

Completed by P. S. C. No. 2302, effective October 14, 1910.

No. 1743; October 12, 1910; Peekskill Lighting and Railroad Company:

Ordered: That the Peekskill Lighting and Railroad Company be and is hereby authorized to issue, on ten (10) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 3, as canceling its freight tariff P. S. C., 2 N. Y., No. 1, and in lieu of tariff P. S. C., 2 N. Y., No. 2 rejected by the Commission, and establish rates and minimum weights on various articles in carloads as specified in the application, to apply in either direction between Peekskill, N. Y., and various points reached by the Peekskill Lighting and Railroad Company, and over said railroad and the Putnam and Westchester Traction Company's line to points reached via the Putnam and Westchester Traction Company's line. Said tariff shall be filed and posted within ten (10) day's from the date of this order and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1743, of date October 12, 1910."

Completed by P. S. C. No. 3, effective November 1, 1910.

No. 1744; October 12, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8575, establishing a rate of seventy-five (75) cents per two thousand pounds on ice, carloads, minimum weight fifty thousand pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the minimum weight be less than forty (40) thousand pounds, from Syracuse, N. Y., over the New York Central and Hudson River railroad to Watertown, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission

of the Public Service Commission, Second District, State of New York, No. 1744, of date October 12, 1910."

Completed by P. S. C. No. 8575, effective October 19, 1910.

No. 1745; October 12, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2445, establishing a rate of one dollar ($1.00) per two thousand pounds on ice in carloads, minimum weight as per official classification in effect at the time of shipment, from Troy, N. Y., over The Delaware and Hudson Company's railroad via trackage to Eagle Bridge and thence to Cambridge, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1745, of date October 12, 1910."

Completed by P. S. C. No. 2445, effective October 14, 1910.

No. 1746; October 12, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 602, establishing a rate of sixty-five (65) cents per two thousand pounds on ice in carloads, minimum weight as per official classification in effect at the time of shipment, from Silver Lake, N. Y., over the Buffalo, Rochester and Pittsburgh railway via P. & L. Junction and the Lehigh Valley railroad to Niagara Falls, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1746, of date October 12, 1910."

Completed by P. S. C. No. 602, effective October 15, 1910.

No. 1747; October 13, 1910; Little Falls and Dolgeville Railroad Company:

Ordered: That the Little Falls and Dolgeville Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 152, establishing a rate of seventy-five (75) cents per two thousand pounds on iron ore tailings, carloads, maximum weight eighty (80) thousand pounds, minimum weight ninety (90) per cent of the marked capacity of the car, but in no case less than fifty-four (54) thousand pounds, from Salisbury Center, N. Y., over the Little Falls and Dolgeville railroad via Little Falls and the New York Central and Hudson River and Delaware, Lackawanna and Western railroads to Washington Mills, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1747, of date October 13, 1910."

Completed by P. S. C. No. 152, effective October 16, 1910.

No. 1748; October 14, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1834, establishing a rate of twelve (12) cents per hundred pounds in carloads, and fifteen (15) cents per hundred pounds in less than carloads, on bridge and structural iron from Elmira, N. Y., over the Erie railroad via Corning, N. Y., and the New York Central and Hudson River railroad to Melrose Junction, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1748, of date October 14, 1910."

Completed by P. S. C. No. 1834, effective October 21, 1910.

No. 1749; October 14, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue on one (1) day's notice to the public and the Commission a freight tariff as its P. S. C., 2 N. Y., No. 594, establishing a rate of seventy-five (75) cents per two thousand pounds on amiesite and crushed stone in carloads, minimum weight sixty (60) thousand pounds, from LeRoy, N. Y., including siding of General Crushed Stone Company, Heimlich's siding, and Hollister's siding; also from Lime Rock, N. Y., over the Buffalo, Rochester and Pittsburgh railway via Machias, N. Y., and the Pennsylvania railroad to Arcade, N. Y., Chaffee, N. Y., Delavan, N. Y., East Aurora, N. Y., Holland, N. Y., Lime Lake, N. Y., Protection, N. Y., and South Wales, N. Y., and over the Buffalo, Rochester and Pittsburgh railway via Crystal Lake Junction and the Buffalo and Susquehanna railway to Arcade, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1749, of date October 14, 1910."

Completed by P. S. C. No. 594, effective October 20, 1910.

No. 1750; October 14, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on three (3) days' notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 2364, by the issuance of a supplement thereto as No. 6, establishing a rate of one dollar and thirty cents ($1.30) per two thousand pounds on cement, unburnt, in packages, and cement, common, hydraulic, natural or portland, in carloads, minimum weight fifty (50) thousand pounds, except when capacity of car is less, in which case the actual capacity of car will govern, but in no case will the minimum carload weight be less than forty (40) thousand pounds, from Glens Falls, N. Y., over The Delaware and Hudson Company's railroad via Binghamton, N. Y., and the Delaware, Lackawanna and Western railroad to Syracuse, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1750, of date October 14, 1910."

Completed by supplement No. 6 to P. S. C. No. 2364, effective October 22, 1910.

No. 1751; October 17, 1910; Application of Various Steam Railroad Corporations:

SUBJECT: Postponement of effective dates until February 1, 1911, of all tariffs or supplements to tariffs filed with the Commission to become effective after October 15, 1910, containing rates of freight which are higher than are the rates now in force and in effect.

Upon application of The New York Central and Hudson River Railroad Company, made on behalf of all steam railroad lines in this State, filed October 17, 1910, and from which it appears that the Interstate Commerce Commission in its special order No. 10, issued October 14, 1910, has authorized all carriers in Official Classification territory, on one day's notice to the Commission and the public, to postpone until February 1, 1911, the effective dates of all tariffs or supplements filed with the Commission to become effective after October 15, 1910, containing rates of freight which are higher than rates contained in tariffs now in force and effect; and whereas, application has been made to this Commission by carriers subject to its jurisdiction for authority to postpone until February 1, 1911, the effective dates of tariffs or supplements filed with the Commission to become effective after October 15, 1910, in consequence of the postponement of the effective date of similar tariffs filed with the Interstate Commerce Commission, and for good cause shown,

It is Ordered: That each and all of the steam railroad carriers subject to the jurisdiction of this Commission be and they are hereby authorized, on one day's notice to the Commission and the public, to postpone until February 1, 1911, the effective dates of all tariffs or supplements filed with the Commission to become effective after October 15, 1910, containing freight rates which are higher than rates currently in force and effect.

It is further Ordered: That such carriers be and they are hereby authorized to effect the postponements proposed by the issuance of a separate supplement to each tariff, or by blanket or omnibus supplements to such tariffs, the numbers of which may be shown on the title page and on the reverse side thereof, together with announcement of postponement of effective date, and such other matter as is required by the Commission's tariff regulations to be shown on the title page of tariffs or supplements. Such supplements may be issued regardless of Rule 9 of the Commission's Circular No. 55, limiting the number or size thereof.

It is further Ordered: That the tariff rules of the Commission with reference to supplements to tariffs which may be continued in effect by virtue of the postponements of rates herein provided for are hereby suspended during the period of postponement, as follows: (1) To admit of changes in rates being made in the ordinary course of business during the period of postponement, the tariffs remaining in effect as a result of such postponement may be further amended without regard to the Commission's rule limiting the volume of supplemental matter which effective supplements in the aggregate may contain, but the Commission's rule prohibiting the supplementing of tariffs of less than five pages must be observed. Desired changes in tariffs of less than five pages must be made by reissue. If the postponed tariffs subsequently become effective, such tariffs as may be reissued during the period of postponement should be canceled in the regular way. (2) Rates, rules, and regulations which will not operate to increase charges on any shipment but which are contained in schedules containing increased rates may be issued in supplements to old tariffs or in new tariffs as reissued items provided the original effective date and the P. S. C.—2 N. Y.— number of the schedule from which reissued are shown in connection with such item.

It is further Ordered: That any new or changed rates, rules, or regulations made effective during the period of postponement shall remain in force for the statutory period of thirty days, except as otherwise authorized by special permission.

It is further Ordered: That all postponement supplements issued pursuant to the authority contained in this order which further postpone the effective date of a tariff or supplement to a tariff now under postponement by supplement shall be issued as superseding such supplement and shall also bear the following notation on title page: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1751, of date October 17, 1910."

Above order completed by individual carriers filing appropriate schedules.

No. 1752; October 17, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 2267, by the issuance of a supplement as No. 10 thereto, establishing a rate of three dollars and forty cents ($3.40) per two thousand pounds on baled shavings in compressed bales, in carloads, minimum weight as per official classification in effect at the time of shipment, from Rouses Point, N. Y., over The Delaware and Hudson Company's railroad via South Schenectady, N. Y., and the West Shore railroad to Oakfield, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1752, of date October 17, 1910."

Completed by supplement No. 10 to P. S. C. No. 2267, effective October 22, 1910.

No. 1753; October 17, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on ten (10) days' notice to the public and the Commission, its freight tariffs P. S. C., 2 N. Y., Nos. 2170 and 2411, by the issuance of a supplement numbered 15 to P. S. C., 2 N. Y., No. 2170, and No. 6 to P. S. C., 2 N. Y., No. 2411, as canceling supplements Nos. 13 and 4 to the tariffs referred to, respectively, and in lieu of supplements Nos. 14 and 5 to such tariffs, rejected by the Commission, and establish a rate of one dollar and fifty-five cents ($1.55) per ton of twenty-two hundred and forty pounds on iron ore in carloads, minimum weight as provided in tariff, from Port Henry, N. Y., over The Delaware and Hudson Company's railroad via Binghamton and the Erie Railroad to Black Rock, N. Y., Buffalo, N. Y., Depew, N. Y., East Buffalo, N. Y., Niagara Falls, N. Y., North Tonawanda, N. Y., and Suspension Bridge, N. Y. Said tariff shall be filed and posted under an effective date as of November 5, 1910, and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1753, of date October 17, 1910."

Completed by supplement No. 15 to P. S. C. No. 2170 and supplement No. 6 to P. S. C. No. 2411, effective Nov. 5, 1910.

No. 1754; October 18, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to amend, on three (3) days' notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 2284, by the issuance of a supplement as No. 1 thereto, correcting the lighterage clause as shown on page 7 to read as follows: Substituting therein for N. Y. C. & H. R. "W. S." and for circular No. 3128, circular No. 2275, and for P. S. C., 2 N. Y., No. 7583, P. S. C., 2 N. Y., No. 1988; also changing in table of rates in place of New York Central and Hudson River R. R. substituting West Shore R. R., Hoboken Shore Road, and Lehigh Valley R. R. (National Docks Branch), and to correctly show in the rate table such rates as are advances. Said tariff shall be filed under an effective date November 1, 1910, and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1754, of date October 18, 1910."

Completed by supplement No. 1 to P. S. C. No. 2284, effective November 1, 1910.

No. 1755; October 19, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2304, establishing a rate of forty (40c) cents per two thousand pounds on ice, carloads, minimum weight fifty (50) thousand pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the minimum weight be less than forty (40) thousand pounds, from Syracuse, N. Y., over the West Shore railroad to Oran, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1755, of date October 19, 1910."

Completed by P. S. C. No. 2304, effective October 24, 1910.

No. 1756; October 19, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to amend

its freight tariff P. S. C., 2 N. Y., No. 330 by the issuance of a supplement as No. 2 thereto, said supplement to give notice of cancellation of the tariff with reference by P. S. C. numbers to the tariffs wherein future rates will be found. Said tariff shall be filed under an effective date November 1, 1910, and bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 1756, of date October 19, 1910."

Completed by supplement No. 2 to P. S. C. No. 330, effective November 1, 1910.

No. 1757; October 19, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 7494, by the issuance of a supplement as No. 1 thereto, said supplement to give notice of cancellation of the tariff with reference by P. S. C. numbers to the tariffs wherein future rates will be found. Said tariff shall be filed under an effective date November 15, 1910, and bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 1757, of date October 19, 1910."

Completed by supplement No. 1 to P. S. C. No. 7494, effective November 15, 1910.

No. 1758; October 19, 1910; Lehigh and Hudson River Railway Company:

Ordered: That the Lehigh and Hudson River Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 79, establishing a rate of fifty cents (50c) per two thousand pounds on ice in carloads, minimum weight forty (40) thousand pounds, from Burnside, N. Y., over the Lehigh and Hudson River railway via Greycourt, N. Y., and Erie railroad to Florida, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1758, of date October 19, 1910."

Completed by P. S. C. No. 79, effective October 22, 1910.

No. 1759; October 20, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8586, establishing a rate of forty-five cents (45c) per two thousand pounds on ice, carloads, minimum weight fifty (50) thousand pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the minimum weight be less than forty (40) thousand pounds, from Norwood, N. Y., over the New York Central and Hudson River railroad to DeKalb Junction, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1759, of date October 20, 1910."

Completed by P. S. C. No. 8586, effective October 26, 1910.

No. 1760; October 20, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1771, establishing rate of ten cents (10c) per hundred pounds on nursery moss, carloads, minimum weight as per official classification in effect at the time of

shipment, from Cleveland, N. Y., over the New York, Ontario and Western railway via Oneida, N. Y., and the New York Central and Hudson River railroad and West Shore railroad to Newark, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1760, of date October 20, 1910."

Completed by P. S. C. No. 1771, effective October 24, 1910.

No. 1761; October 20, 1910; The Lake Shore and Michigan Southern Railway Company:

Ordered: That The Lake Shore and Michigan Southern Railway Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 226, by the issuance of a supplement thereto, making no change other than to correct the expiration date of items 71-A and 115 as shown on page four and item 120 as shown on page five of supplement No. 10, postponing the effective expiration date from October 31, 1910, to and including January 31, 1911, unless sooner changed or reissued. Said tariff shall be filed and posted under an effective date November 1, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1761, of date October 20, 1910."

Completed by supplement No. 12 to P. S. C. No. 226, effective November 1, 1910.

No. 1762; October 20, 1910; The Dunkirk, Allegheny Valley and Pittsburgh Railroad Company:

Ordered: That The Dunkirk, Allegheny Valley and Pittsburgh Railroad Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 124, by the issuance of a supplement thereto, making no change other than to correct the expiration date of items 71-A and 115 as shown on page 4 and item 120 as shown on page 5 of supplement No. 10, postponing the effective expiration date from October 31, 1910, to and including January 31, 1911, unless sooner changed or reissued. Said tariff shall be filed and posted under an effective date November 1, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1762, of date October 20, 1910."

Completed by supplement No. 12 to P. S. C. No. 124, effective November 1, 1910.

No. 1763; October 21, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8590, establishing a rate of seventy-five cents (75c) per two thousand pounds on ice, carloads, minimum weight fifty (50) thousand pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the minimum weight be less than forty (40) thousand pounds, from Millerton, N. Y., over the New York Central and Hudson River railroad to Chatham, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1763, of date October 21, 1910."

Completed by P. S. C. No. 8590, effective October 24, 1910.

No. 1764; October 21, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the

public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8591, establishing on ice, carloads, minimum weight fifty (50) thousand pounds unless marked capacity of car is less, in which case the marked capacity of the car will govern, but in no case will the minimum weight be less than forty (40) thousand pounds, the rates in cents per two thousand pounds as follows: From Sixtieth Street, New York city, N. Y., over the New York Central and Hudson River railroad to Patterson, N. Y., 90; to Amenia, N. Y., 105; to Colemans, N. Y., 115. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1764, of date October 21, 1910."

Completed by P. S. C. No. 8591, effective October 26, 1910.

No. 1765; October 21, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2303, establishing rates on iron ore (ex-Lake) in carloads, minimum weight as per official classification in effect at the time of shipment, from West Shore ore dock and Minnesota ore dock at Buffalo, N. Y., over the West Shore railroad to North Tonawanda, N. Y., rate of thirty cents (30c) per twenty-two hundred and forty pounds on shipments loaded direct from vessels to cars, and thirty-eight cents (38c) per twenty-two hundred and forty pounds on shipments unloaded from vessels upon docks and subsequently re-loaded to cars, which rate will include a dockage and handling allowance of eight cents per twenty-two hundred and forty pounds to be paid the Dock company handling the ore at Buffalo. These rates will also include switching charges of the Buffalo Creek railroad at Buffalo, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1765, of date October 21, 1910."

Completed by P. S. C. No. 2303, effective October 28, 1910.

No. 1766; October 22, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1836, establishing a rate of three cents (3¢) per hundred pounds on onions, carloads, minimum weight as per official classification in effect at the time of shipment, from Florida, N. Y., over the Erie railroad to Chester, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1766, of date October 22, 1910."

Completed by P. S. C. No. 1836, effective October 28, 1910.

No. 1767; October 22, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. D-1610, by the issuance of a supplement as No. 2 thereto, canceling the rates contained therein applicable to traffic from and to points in New York state within the jurisdiction of this Commission, and establishing in their stead the same rates as are now in force and effect and published in its freight tariff P. S. C., 2 N. Y., No. D-492, and effective supplements thereto, and applicable to said traffic. No change is authorized under this order which in any way will result in making an increased charge over what the charge would be under present effective tariff. Said tariff shall be filed and posted under an effective date November 1, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the

Public Service Commission, Second District, State of New York, No. 1767, of date October 22, 1910."

Completed by supplement No. 2 to P. S. C. No. D–1610, effective November 1, 1910.

No. 1768; October 24, 1910; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 288, canceling P. S. C., 2 N. Y., No. 277, and reissuing the rates on gravel, sand, and broken stone in carloads, minimum weight forty (40) thousand pounds per car, contained therein, making no change other than to establish a rate of sixty cents (60¢) per two thousand pounds to apply from Blissville Docks, N. Y., to Greenlawn, N. Y., Northport, N. Y., Old Northport, N. Y., Kings Park, N. Y., Smithtown, N. Y., St. James, N. Y., Stony Brook, N. Y., and Setauket, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1768, of date October 24, 1910."

Completed by P. S. C. No. 288, effective October 28, 1910.

No. 1769; October 24, 1910; West Shore Railroad (The New York Central and Hudson River Railroad Company, lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2306, establishing a rate of fifty-five cents (55c) per two thousand pounds on ice, carloads, minimum weight fifty (50) thousand pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the minimum weight be less than forty (40) thousand pounds, from South Utica, N. Y., over the West Shore railroad to Canajoharie, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1769, of date October 24, 1910."

Completed by P. S. C. No. 2306, effective October 27, 1910.

No. 1770; October 24, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on fifteen (15) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8592, canceling freight tariff P. S. C., 2 N. Y., No. 8582, and reissuing the matter contained therein making no change other than to correct typographical error in point of destination, making same read "Mooers Junction, N. Y.," instead of "Moores Junction, N. Y." Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1770, of date October 24, 1910."

Completed by P. S. C. No. 8592, effective November 20, 1910.

No. 1771; October 25, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to issue, on five (5) days' notice to the public and the Commission, a tariff to be issued in their passenger series as P. S. C., 2 N. Y., No. 378, canceling tariff P. S. C., 2 N. Y., No. 346, and reissuing the rates contained therein applying to milk and cream shipments transported in baggage cars on passenger trains, including return of empty cans and cases, between stations on the Buffalo and Allegheny divisions of the Buffalo and Allegheny Valley division, making no change other than to make the rates applying

from Rochester and Buffalo to various stations the same as are now in force applying to Rochester and Buffalo from various stations; also reducing the rates between Holland, N. Y., and Portville, N. Y., to same scale of rates as is applicable to stations in groups one, two, and three. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1771, of date October 25, 1910."

Completed by P. S. C. No. 378, effective November 2, 1910.

No. 1772; October 25, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 605, establishing a rate of thirty cents (30¢) per two thousand pounds on ice in carloads, minimum weight as per official classification in effect at the time of shipment, from Silver Lake, N. Y., over the Buffalo, Rochester and Pittsburgh railway to Silver Springs, N. Y. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1772, of date October 25, 1910."

Completed by P. S. C. No. 605, effective November 1, 1910.

No. 1773; October 26, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1837, establishing a rate of thirteen (13) cents per hundred pounds on apples, and apple waste, carloads, minimum weight as per official classification in effect at the time of shipment, from Allegany, N. Y., over the Erie Railroad via East Buffalo, N. Y., and the New York Central and Hudson River Railroad to Brockport, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1773, of date October 26, 1910."

Completed by P. S. C. No. 1837, effective November 1, 1910.

No. 1774; October 28, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8598, establishing a rate of seventy-five (75) cents per two thousand pounds on ice, carloads, minimum weight fifty (50) thousand pounds unless marked capacity of car is less, in which case the marked capacity of the car will govern, but in no case will the minimum weight be less than forty (40) thousand pounds, from Canton, N. Y., over the New York Central and Hudson River railroad via Norwood, N. Y., and the Rutland railroad to Ogdensburg, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1774, of date October 28, 1910."

Completed by P. S. C. No. 8598, effective November 2, 1910.

No. 1775; October 28, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8597,

establishing a rate of thirty (30) cents per two thousand pounds on sand, carloads, minimum weight ninety per cent of the marked capacity of car, but not less than fifty-four thousand pounds, from Forest Lawn, N. Y., over the New York Central and Hudson River railroad to Charlotte, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1775, of date October 28, 1910."

Completed by P. S. C. No. 8597, effective November 2, 1910.

No. 1776; November 1, 1910; Boston and Maine Railroad:

Ordered: That the Boston and Maine Railroad be and is hereby authorized to cancel, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 449, and to establish in tariff P. S. C., 2 N. Y., No. 454, rate of eighty-five (85) cents per two thousand pounds on moulding sand in carloads, minimum weight to be ninety per cent of the marked capacity of car, but not less than fifty-four (54) thousand pounds, from Reynolds, N. Y., over the Boston and Maine railroad via Rotterdam Junction, N. Y., and the New York Central and Hudson River railroad to Syracuse, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1776, of date November 1, 1910."

Completed by P. S. C. No. 454, effective November 9, 1910.

No. 1777; November 1, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend, on twenty days' notice to the public and Commission, its freight tariff P. S. C., 2 N. Y., No. 8602, by the issuance of supplement No. 1 thereto, establishing rates applying on Printing and Wrapping Paper, and Unfinished Blank Wall Paper (in rolls weighing seventy pounds or over per single roll), in carloads and less carloads, to Fonda, N. Y., as follows: from Piercefield, N. Y., less carloads, eighteen cents per one hundred pounds; from Malone, N. Y., less carloads, twenty cents per one hundred pounds, carloads, eleven cents per one hundred pounds. Said tariff shall be filed and posted under an effective date of December 1, 1910, and bear the following notation: "Issued on twenty days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1777, of date November 1, 1910."

Completed by supplement No. 1 to P. S. C. No. 8602, effective December 1, 1910.

No. 1778; November 2, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 2357, by the issuance of supplement No. 16 thereto, establishing a rate of seventeen (17) cents per hundred pounds on apples in barrels, in carloads, minimum weight as per official classification in effect at the time of shipment, from Morrisonville, N. Y., station index No. 119, to Wolf Pond, N. Y., station index No. 127, inclusive, over the Delaware and Hudson Company's railroad via Troy, N. Y., and the New York Central and Hudson River railroad to New York, N. Y., station index No. 43 (see note 1 of tariff), and Brooklyn N. Y., index No. 44. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1778, of date November 2, 1910."

Completed by supplement No. 16 to P. S. C. No. 2357, effective November 5, 1910.

No. 1779; November 2, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 7583, by the issuance of a properly numbered P. S. C., 2 N. Y., supplement thereto, and make the following change in the first paragraph of rule 24: The tariff now reads "The following charges will apply on L. C. L. shipments of export freight handled by railroad Company's draymen and will be in addition to the inland and ocean rate": change to read "The following charges will apply on L. C. L. shipments of export freight handled by railroad Company's draymen and will be in addition to the inland and ocean rate. The New York Central and Hudson River Railroad Company reserves the right to deliver L. C. L. export freight by lighter or car float from its terminals direct to vessel or steamship pier, and when lightered or floated the same charges will be applied for lighterage as hereunder shown for cartage." Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1779, of date November 2, 1910."

Completed by supplement No. 5 to P. S. C. No. 7583, effective November 5, 1910.

No. 1780; November 2, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8609, establishing a rate of forty-five (45) cents per two thousand pounds on marble waste and limestone, carloads, minimum weight ninety per cent of the marked capacity of the car, but not less than fifty-four thousand pounds, from Gouverneur, N. Y., over the New York Central and Hudson River Railroad to Massena Springs, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1780, of date November 2, 1910."

Completed by P. S. C. No. 8609, effective November 6, 1910.

No. 1781; November 3, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1838, establishing a rate of one dollar and sixty cents ($1.60) per two thousand pounds on lumber, carloads, minimum weight as per official classification in effect at the time of shipment, from its New York state stations Elmira Heights, Horseheads, East Corning, Corning, Painted Post, Erwin, Rathbone, Cameron Mills, Cameron, Adrian, Canisteo, and Big Flats, over the Erie railroad to its New York state stations Black Rock, Buffalo (Town), Buffalo (Lake), East Buffalo, Kensington, Main Street, Buffalo, Walden Avenue, Buffalo, and North Tonawanda. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1781, of date November 3, 1910."

Completed by P. S. C. No. 1838, effective November 8, 1910.

No. 1782; November 3, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That the New York Central and Hudson River Railroad Company and the West Shore railroad (New York Central and Hudson River

Railroad Company, lessee) be and are hereby authorized to amend, on one (1) day's notice to the public and the Commission, their passenger tariffs, New York Central and Hudson River Railroad P. S. C., 2 N. Y., No. 496, and West Shore Railroad P. S. C., 2 N. Y., No. 212, by the issuance of supplements Nos. 2 thereto, changing section 21 on page 13 by adding (f) as a prefix before the following: "All baggage is stored at owner's risk"; also adding the following as paragraph (g): "When by reason of strikes or riots the removal of baggage is rendered impossible, storage charges accruing under the provisions of this section will be waived." Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1782, of date November 3, 1910."

Completed by supplement No. 2 to P. S. C. Nos. 496 (N. Y. C.) and 212 (West Shore), effective November 4, 1910.

No. 1783; November 4, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend, on five (5) days' notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 8535, by the issuance of supplement No. 1 thereto, making no changes other than to eliminate reference mark on pages 17, 27, and 28 of the tariff prefixed to rates shown from Jayville to Carthage on page 17, from Westdale to Black River on page 27, from Williamstown to Black River on page 28; also to publish the rate on logs to Carthage from Aldrich and Oswegatchie on page 29 in bold face type, and to publish rates shown on pages 8, 9, 16, 18, and 22 on lumber to Carthage, from Aldrich, Bacon, Harrisville, Lake Bonaparte, and Oswegatchie in bold face type. Said tariff shall be filed under an effective date November 15, 1910, and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1783, of date November 4, 1910."

Completed by supplement No. 1 to P. S. C. No. 8535, effective Nov. 15, 1910.

No. 1784; November 5, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1778, establishing a rate of fifty-five (55) cents per two thousand pounds on sand in carloads, minimum weight ninety per cent of the marked capacity of the car, but in no case less than forty (40) thousand pounds, from Fish Creek, N. Y., over the New York, Ontario and Western railway to Oswego, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1784, of date November 5, 1910."

Completed by P. S. C. No. 1778, effective November 8, 1910.

No. 1785; November 14, 1910; Buffalo and Lake Erie Traction Company:

Ordered: That the Buffalo and Lake Erie Traction Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a passenger tariff as its P. S. C., 2 N. Y., No. A-19, establishing fares applying to the sale of school commutation ticket books containing forty-six one-way coupons, each good for passage in either direction between the point of sale and Lafayette Square, Buffalo, N. Y., for pupils between the ages of 5 and 18 years attending school, and for use on school days only, such tickets carrying no privileges for the free transportation of baggage, at fares per book from various points as follows: Angola, N. Y.,

$7.80; Athol Springs, N. Y., $5.45; Clover Bank, N. Y., $6.70; Derby, N. Y., $7.95; Dunkirk, N. Y., $12.30; Farnham, N. Y., $8.70; Irving, N. Y., $9.30; Lake View, N. Y., $6.30; North Evans, N. Y., $6.80; Silver Creek, N. Y., $9.90; Sheridan, N. Y., $11.45; Wanakah, N. Y., $5.80; Wayer, N. Y., $6.05. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1785, of date November 14, 1910."

Completed by P. S. C. No. A-19, effective November 22, 1910.

No. 1786; November 15, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on fifteen (15) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 614, canceling freight tariff P. S. C., 2 N. Y., No. 613, and establishing a rate of seven and one-half cents per hundred pounds on wheat in carloads, minimum weight as per official classification in effect at the time of shipment, and by the Company's exceptions to said classification, from Perry, N. Y., over the Buffalo, Rochester and Pittsburgh railway via Buffalo, and the New York Central and Hudson River railroad to Niagara Falls, N. Y., said tariff to be issued under an effective date December 11, 1910, and bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1786, of date November 15, 1910."

Completed by P. S. C. No. 614, effective December 11, 1910.

No. 1787; November 15, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 8216, by the issuance of supplement No. 1 thereto, establishing a rate of four cents per hundred pounds on grain and grain products in carloads as per list and carload minimum weights shown in the Company's exceptions to official classification in effect at the time of shipment, from Victor, N. Y., over the New York Central and Hudson River Railroad to Rochester, State Street, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1787, of date November 15, 1910."

Completed by supplement No. 1 to P. S. C. No. 8216, effective November 21, 1910.

No. 1788; November 15, 1910; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 167, establishing a rate of one dollar ($1.00) per ton of twenty-two hundred and forty pounds, on rails, steel or iron, carloads, minimum weight fifteen tons of twenty-two hundred and forty pounds each, in either direction between Tupper Lake Junction, N. Y., Tupper Lake, N. Y., Kildare, N. Y., Meno, N. Y., Santa Clara, N. Y., St. Regis Falls, N. Y.; also rate of five cents per hundred pounds in carloads and seven and one-half cents per hundred pounds in less carloads on car wheels, attached to axles or separate, from Santa Clara, N. Y., to St. Regis Falls, N. Y., or Meno, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1788, of date November 15, 1910."

Completed by supplement No. 3 to P. S. C. No. 167, effective November 18, 1910.

No. 1789; November 18, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8637, establishing a rate of seven cents per hundred pounds on wood pulp in carloads, minimum forty (40) thousand pounds, from Cape Vincent, N. Y., over the New York Central and Hudson River railroad to Piercefield, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1789, of date November 18, 1910."

Completed by P. S. C. No. 8637, effective November 21, 1910.

No. 1790; November 19, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 615, establishing a rate of thirty (30) cents per two thousand pounds on cinders in carloads, minimum weight forty (40) thousand pounds, from Lincoln Park, N. Y., over the Buffalo, Rochester and Pittsburgh Railway to Charlotte, Latta Road, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1790, of date November 19, 1910."

Completed by P. S. C. No. 615, effective November 24, 1910.

No. 1791; November 19, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its G. O.-P. S. C., 2 N. Y., No. 374, establishing class rates in cents per one hundred pounds to apply between New York State stations from points on the Pennsylvania railroad to points on the Pittsburg, Shawmut and Northern railroad, such rates to be the same as were in force prior to November 1, 1910, and contained in The Pennsylvania Railroad Company's freight tariff S. S.–P. S. C., 2 N. Y., No. 74, and effective supplements thereto. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and the Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1791, of date November 19, 1910."

Completed by G. O.–P. S. C. No. 374, effective November 30, 1910.

No. 1792; November 21, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8640, establishing a rate of seventy-five (75¢) cents per two thousand pounds on sand and gravel, carloads, minimum weight ninety per cent of the marked capacity of the car, but in no case less than fifty-four (54) thousand pounds, from Port Morris, N. Y., over the New York Central and Hudson River railroad to Irvington, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1792, of date November 21, 1910."

Completed by P. S. C. No. 8640, effective November 26, 1910.

No. 1793; November 23, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to reissue, on one (1) day's notice to the public and the Commission, its joint passenger tariff P. S. C., 2 N. Y., No. 646, by the issuance of joint passenger tariff P. S. C., 2 N. Y., No. 647, making no change other than the following: Tariff now reads under caption Instructions to Agents "Train fares are ten cents in excess of ticket office fares from all points where facilities are given passengers for the purchase of tickets. The excess so collected will be refunded at any ticket office of the Company upon presentation of redeemable train ticket." Change to read "Ticket fares shown herein will be collected on trains between Ticonderoga and Fort Ticonderoga." Said tariff shall be filed and posted within one (1) day from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1793, of date November 23, 1910.

Completed by P. S. C. No. 647, effective November 24, 1910.

No. 1794; November 23, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to amend on ten (10) days' notice to the public and the Commission its tariff G. O.— P. S. C., 2 N. Y., No. 368, by the issuance of supplement No. 1 thereto, making such changes in the class rates between stations on Elmira division as is necessary to restore such rates to the basis now in force. Said tariff shall be issued under an effective date December 10, 1910, and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1794, of date November 23, 1910."

Completed by supplement No. 1 to G. O.— P. S. C., No. 368, effective December 10, 1910.

No. 1795; November 23, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to amend, on thirty (30) days' notice to the public and the Commission, its freight tariff G. O.— P. S. C., 2 N. Y., No. 168, by the issuance of supplement No. 20 thereto, changing the rates as shown on page 32 of supplement No. 16 applying on salt in carloads from New York state stations on Pennsylvania railroad and Retsof, N. Y., on Genesee and Wyoming railroad, to New York state stations on West Shore railroad when such shipments are routed via Newark, N. Y., or Genesee Junction, N. Y., canceling said rates and restoring the rates as shown in the tariff on page 84 thereof as applying from and to said points via Newark or Genesee Junction, N. Y. Said tariff shall be issued under an effective date February 1, 1911, and bear the following notation: "Issued on thirty (30) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1795, of date November 23, 1910."

Completed by supplement No. 20 to G. O.— P. S. C. No. 168, effective February 1, 1911.

No. 1796; November 25, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to amend, on ten (10) days' notice to the public and the Commission, its tariff G. O.–P. S. C., 2 N. Y., No. 369, by the issuance of supplement No. 1 thereto, making such changes in class rates between stations on the Elmira division as is necessary to restore such rates to the basis now in force. Said tariff shall be issued under an effective date December 10, 1910, and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1796, of date November 25, 1910."

Completed by supplement No. 1 to G. O.–P. S. C. No. 369, effective December 10, 1910.

No. 1797; November 25, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8651, establishing a rate of one dollar and ten cents per gross ton on pig iron, carloads, minimum weight as per official classification in effect at the time of shipment, from Charlotte, N. Y., over the New York Central and Hudson River railroad via Oneida, N. Y., and the New York, Ontario and Western railway to Munns, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1797, of date November 25, 1910."

Completed by P. S. C. No. 8651, effective November 28, 1910.

No. 1798; November 25, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 618, establishing a rate of forty cents per ton of two thousand pounds on sand and gravel in carloads, minimum weight forty (40) thousand pounds, from Scottsville, N. Y., over the Buffalo, Rochester and Pittsburgh Railway to Charlotte, Latta Road, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1798, of date November 25, 1910."

Completed by P. S. C. No. 618, effective November 28, 1910.

No. 1799; November 26, 1910; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to reissue, on one (1) day's notice to the public and the Commission, its tariff of car demurrage rules P. S. C., 2 N. Y., No. A–11, by the issuance of tariff P. S. C., 2 N. Y., No. A–12, making no change in any charge or rule or regulation provided therein so far as the same may have application to New York State commerce subject to the supervision of this Commission. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1799, of date November 26, 1910."

Completed by P. S. C. No. A–12, effective December 1, 1910.

No. 1800; Nov. 28, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to amend, on three (3) days' notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 1670, by the issuance of supplement No. 5 thereto, canceling supplement No. 4 and reissuing the matter contained therein, making no change other than to eliminate from page 2 of said supplement Millport, Montour Falls, and Pine Valley, N. Y., as points from which rates apply. Said tariff to be filed under an effective date December 5, 1910, and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1800, of date November 28, 1910."

Completed by supplement No. 5 to P. S. C. No. 1670, effective December 5, 1910.

No. 1801; November 28, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a freight

tariff as its P. S. C., 2 N. Y., No. 1844, canceling freight tariff P. S. C., 2 N. Y., No. 1839, and reissuing the rates contained therein, making no change other than to establish on brick, common and hollow, carloads, from Lancaster and Town Line, N. Y., over the Erie railroad to Walden Avenue, Kensington and Main Street, New York, a rate of thirty-five cents per two thousand pounds, minimum weight as per current official classification. Said tariff to be issued under an effective date December 3, 1910, and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York. No. 1801, of date November 28, 1910."

Completed by P. S. C. No. 1844, effective December 5, 1910.

No. 1802; November 28, 1910; F. S. Holbrook, Agent:

Ordered: That F. S. Holbrook, agent, be and is hereby authorized to amend, on fifteen (15) days' notice to the public and the Commission, schedule issued as P. S. C., 2 N. Y., O. C. No. 37, by the issuance of supplement No. 1 thereto, making the changes correcting typographical errors in item 27, page 154, item 12, page 218, and item No. 3, page 228, as set forth in exhibit accompanying application, and which exhibit is hereby made a part of this order. Said tariff to be filed under an effective date January 1, 1911, and bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1802, of date November 28, 1910."

Completed by supplement No. 1 to P. S. C., O. C. No. 37, effective January 1, 1911.

Supplementing No. 1802; December 13, 1910:

Ordered: That special permission order No. 1802 be and is hereby amended, by extending to all carriers using official classification and filing same with this Commission and for whom Mr. F. S. Holbrook does not act as agent, the same authority to amend official classification as was granted to Mr. F. S. Holbrook, agent, by said order.

Completed by Central New England, supplement No. 1 to P. S. C. No. 569; Otsego and Herkimer, supplement No. 1 to P. S. C. No. 38; Penn Yan, Keuka Park and Branchport supplement No. 1 to P. S. C. No. 19; South Buffalo, supplement No. 1 to P. S. C. No. 26; Western New York and Pennsylvania Traction, supplement No. 1 to P. S. C. No. 116.

No. 1803; November 30, 1910; Carthage and Copenhagen Railroad Company:

Ordered: That the Carthage and Copenhagen Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a properly P. S. C., 2 N. Y., numbered freight tariff, establishing on milk, fluid or condensed, and cream, carload minimum ten thousand quarts, and less carloads, rates in cents from and to New York state points as follows:

To Carthage, N. Y., from Copenhagen, N. Y.: fluid milk in 40-quart cans, per can, less carload lots, 6.4, carload lots, 5.4; in bottles in 12-quart cases, per case, any quantity, 3.5; cream in bottles in 12-quart cases, per case, any quantity, 4.2; cream or condensed milk in 40-quart cans, per can, less carload lots, 10; carload lots, 8.5; fluid milk in 40-quart cans, from Cross Road, N. Y., per can, less carload lots 6.4; carload lots, 5.4; less carload lots from Harters, N. Y., 6; from State Road, N. Y., 5; from Bedells, N. Y., 5.

To Copenhagen, N. Y., from Carthage, N. Y.: fluid milk in 40-quart cans, less carload lots, 6.4, carload lots, 5.4; cream in 40-quart cans, less carload lots, 10, carload lots, 8.5; fluid milk in 40-quart cans, less carload lots, from Bedells, N. Y., 6; from State Road, N. Y., 6; from Harters, N. Y., 5; from Cross Road, N. Y., 5.

Also a regulation providing rates for return shipments of sour milk or cream, together with a regulation to govern shipments when packages are inclosed in other packages, the outer package containing ice for protection of the contents. Said tariff shall be filed and posted within ten (10) days

from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1803, of date November 30, 1910."

Completed by P. S. C. No. 10, effective December 8, 1910.

No. 1804; December 2, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 4055, by the issuance of supplement No. 7 thereto establishing a rate of four cents per hundred pounds on lumber, carloads, minimum weight fifty thousand pounds, from Tupper Lake Junction, N. Y., Floodwood, N. Y., and Saranac Inn, N. Y., over the New York Central and Hudson River Railroad to Owl's Head, N. Y. Said supplement shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York No. 1804, of date December 2, 1910."

Completed by supplement No. 7 to P. S. C. No. 4055, effective December 8, 1910.

No. 1805; December 2, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8658, establishing a rate of five and one-half cents per hundred pounds on apples, (green, dried, or evaporated), beans, beets, cabbage, carrots, onions, pears, potatoes, pumpkins, squash, hay and straw, carloads, minimum weight as per official classification in effect at the time of shipment, from Lima, N. Y., over the Lima-Honeoye Electric Light and Railroad via Honeoye Falls, N. Y., and the New York Central and Hudson River Railroad to Rochester, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1805, of date December 2, 1910."

Completed by P. S. C. No. 8658, effective December 9, 1910.

No. 1806; December 2, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8661, establishing a rate of fifteen cents per hundred pounds on beans, cabbage, carrots, evaporated apples, green apples, hay, onions, potatoes, carloads, minimum weight as per official classification in effect at the time of shipment, from Lima, N. Y., over the Lima-Honeoye Electric Light and Railroad via Honeoeye Falls, N. Y., and the New York Central and Hudson River Railroad to Hudson divisions stations Castleton, N. Y., to and including Inwood, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1806, of date December 2, 1910."

Completed by P. S. C. No. 8661, effective December 9, 1910.

No. 1807; December 3, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the

public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8666, establishing a rate of seventeen cents per hundred pounds on condensed milk, in cans, boxed, carloads, minimum as per official classification in effect at the time of shipment, from DeKalb Junction, N. Y., over the New York Central and Hudson River railroad to its New York city and Brooklyn stations. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1807, of date December 3, 1910."

Completed by P. S. C. No. 8666, effective December 9, 1910.

No. 1808; December 3, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., 8668, establishing a rate of fifty cents per two thousand pounds on cinders, carloads, minimum fifty thousand pounds, from Rochester (Portland Avenue), N. Y., over the New York Central and Hudson River railroad to Charlotte, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1808, of date December 3, 1910."

Completed by P. S. C. No. 8668, effective December 7, 1910.

No. 1809; December 5, 1910; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 292, establishing a rate of twelve cents per hundred pounds on books in boxes and paper magazines in bundles, sacks, or boxes in less carload quantities in either direction between Garden City, N. Y., over the Long Island Railroad and Pier 22, East river, New York city. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1809, of date December 5, 1910."

Completed by P. S. C. No. 292, effective December 8, 1910.

No. 1810; December 5, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2460, establishing a rate of five cents per hundred pounds on buckwheat grain, in carloads, minimum weight as per official classification in effect at the time of shipment, from Albany, N. Y. and Troy, N. Y., over The Delaware and Hudson Company's railroad to Esperance, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1810, of date December 5, 1910."

Completed by P. S. C. No. 2460, effective December 9, 1910.

No. 1811; December 6, 1910; New York and North Shore Traction Company:

Ordered: That the New York and North Shore Traction Company be and is hereby authorized to amend, on three (3) days' notice to the public and the Commission, its passenger tariff P. S. C., 2 N. Y., No. 4, by the issuance of supplement No. 1 thereto, making no change other than to extend rate of fare in the Borough of Queens, New York city, N. Y., as set forth in the tariff, over that new portion of its route just completed from Bayside to

the city line at Little Neck extending from Ashburton avenue and Bayside boulevard to Broadway at the New York city line. Said supplement shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1811, of date December 6, 1910."

Completed by supplement No. 1 to P. S. C. No. 4, effective December 16, 1910.

No. 1812; December 8, 1910; Marcellus and Otisco Lake Railway Company:

Ordered: That the Marcellus and Otisco Lake Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 12, establishing a rate of one cent per hundred pounds on onions and barreled apples, carloads, minimum weight fifty thousand pounds, from Martisco, N. Y., over the Marcellus and Otisco Lake Railway to Giffords, N. Y., Rose Hill, N. Y., Marietta, N. Y., and Otisco Lake, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1812, of date December 8, 1910."

Completed by P. S. C. No. 12, effective December 12, 1910.

No. 1813; December 8, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to cancel, on fifteen (15) days' notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 2459, by the issuance of a freight tariff as its P. S. C., 2 N. Y., No. 2462, reissuing without change the matter contained in freight tariff P. S. C., 2 N. Y., No. 2459, other than as follows: Tariff now reads "After effective date rates which were shown in previous issue and not provided for herein will be in accordance with P. S. C., 2 N. Y., No. 1700," change to read "P. S. C., 2 N. Y., No. 2443." Said tariff shall be filed and posted under an effective date January 1, 1911, and bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1813, of date December 8, 1910."

Completed by P. S. C. No. 2462, effective January 1, 1910.

No. 1814; December 9, 1910; Jamestown, Chautauqua and Lake Erie Railway Company:

Ordered: That the Jamestown, Chautauqua and Lake Erie Railway Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a passenger tariff as its P. S. C., 2 N. Y., No. 69, establishing on fluid milk in cans a rate of twelve cents per can without qualification as to size, to apply in either direction between stations local to its railroad, said rate to include free return of the empty can. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1814, of date December 9, 1910."

Completed by P. S. C. No. 69, effective December 22, 1910.

No. 1815; December 10, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1852, establishing a rate of sixty-five cents per two thousand pounds on gravel, carloads, minimum weight marked capacity of car, but in noo case less than forty thousand pounds,

from Hunts (White Cut), N. Y., over the Erie Railroad to Olean, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1815, of date December 10, 1910."

Completed by P. S. C. No. 1852, effective December 17, 1910.

No. 1816; December 12, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8676, establishing a rate of fourteen and three-quarters cents per hundred pounds on lumber, carloads, minimum weight as per official classification in effect at the time of shipment, from New Bridge, N. Y., over the Newton Falls and Northern railroad via Newton Falls, N. Y., the New York Central and Hudson River Railroad via Schenectady, and The Delaware and Hudson Company's railroad via Mechanicville, N. Y., and Eagle Bridge, N. Y., to Salem, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1816, of date December 12, 1910."

Completed by P. S. C. No. 8676, effective December 15, 1910.

No. 1817; December 13, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a local and joint passenger tariff of extra fares as its P. S. C., 2 N. Y., No. 603, superseding P. S. C., 2 N. Y., No. 515, making no change in the fares or rules and regulations governing same now in effect applicable to commerce subject to the supervision of this Commission other than as follows: Canceling from page 7 the local extra fares applying to travel on train 11 from Albany to Syracuse and to Rochester; from New York to Albany, Syracuse, and Rochester, and to provide for the sale of extra fare tickets for train 11 without restriction from New York to Syracuse of seventy-five cents and to Rochester, one dollar. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1817, of date December 13, 1910."

Completed by P. S. C. No. 603, effective December 19, 1910.

No. 1818; December 14, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8685 establishing a rate of thiry cents per two thousand pounds on silicate of soda, carloads, minimum weight in tank cars, capacity of tank, and in wooden barrels or iron drums fifty thousand pounds, from Depew, N. Y. (when from Gardenville, N. Y.), over the New York Central and Hudson River Railroad to Buffalo, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1818, of date December 14, 1910."

Completed by P. S. C. No. 8685, effective December 24, 1910.

No. 1819; December 16, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1854, establishing joint class rates, in cents per hundred pounds, 1st to 6th classes inclusive, respectively, as follows: 33½, 29, 22½, 15½, 13½, and 11 from Little Valley, N. Y., over the Erie railroad via Corning, N. Y., and the New York Central and Hudson River railroad to Syracuse, N. Y.

Further ordered: That in case tariff P. S. C., 2 N. Y., No. 1654, becomes effective, that the Erie Railroad Company may cancel, on three (3) days' notice to the public and the Commission, its tariff P. S. C., 2 N. Y., No. 1854. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1819, of date December 16, 1910."

Completed by P. S. C. No. 1854, effective December 23, 1910.

No. 1820; December 19, 1910; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to issue, on five (5) days' notice to the public and the Commission, a freight tariff properly P. S. C., 2 N. Y., numbered, establishing a rate of one dollar per cubic cord on wood (listings only), carloads, minimum twelve (12) cubic cords, from St. Regis Falls, N. Y., Santa Clara, N. Y., Tupper Lake, N. Y., and Tupper Lake Junction, N. Y., over the New York and Ottawa Railway to Rouses Point, N. Y. (when for delivery on tracks of the Central Vermont railway). Said tariff shall be filed and posted under an effective date January 1, 1911, and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1820, of date December 19, 1910."

Completed by P. S. C. No. 245, effective January 1, 1911.

No. 1821; December 19, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 2463, establishing a rate of twenty (20) cents per hundred pounds on potatoes in carloads, minimum weight as per official classification in effect at the time of shipment, from Delaware and Hudson Company's stations, Rouses Point, N. Y., to Wolf Pond, N. Y., inclusive; Salmon River, N. Y., to Delano Junction, N. Y., inclusive; Baldwin, N. Y., and Wrights, N. Y., to Clemens, N. Y., inclusive, over The Delaware and Hudson Company's railroad via Troy, N. Y., the New York Central and Hudson River railroad via Long Island City, N. Y., and the Long Island railroad to Jamaica and other local stations on the Long Island railroad. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1821, of date December 19, 1910."

Completed by P. S. C. No. 2463, effective December 23, 1910.

No. 1822; December 19, 1910; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff properly P. S. C., 2 N. Y., numbered, establishing on pulpwood, carloads, minimum ten cubic cords, over the New York and Ottawa railway to Tupper Lake Junction, N. Y., including New York Central and Hudson River railroad delivery, the rates in cents per cubic cord as follows: From Childwold (Pitchfork Pond), N. Y., 75; Kildare, N. Y., 85; Derrick, N. Y., 100; Dickinson Center, N. Y., Downey, N. Y., Meno, N. Y., St. Regis Falls, N. Y., Santa Clara, N. Y., and Spring Cove, N. Y., 125.

Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1822, of date December 19, 1910."

Completed by P. S. C. No. 246, effective December 24, 1910.

No. 1823; December 19, 1910; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff properly P. S. C., 2 N. Y. numbered, establishing on pulpwood, carloads, minimum ten cubic cords, to Piercefield, N. Y., over the New York and Ottawa railway via Tupper Lake Junction, N. Y., and the New York Central and Hudson River railroad, the rates in cents per cubic cord as follows: from Childwold (Pitchfork), N. Y., 125; from Bay Pond, N. Y., Derrick, N. Y., Dickinson Center, N. Y., Downey, N. Y. Kildare, N. Y., Le Boeuff's, N. Y., Meno, N. Y., Moira, N. Y., St. Regis Falls, N. Y., Santa Clara, N. Y., and Spring Cove, N. Y., 150. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1823, of date December 19, 1910."

Completed by P. S. C., No. 244, effective December 23, 1910.

No. 1824; December 19, 1910; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff properly P. S. C., 2 N. Y. numbered, establishing on logs (hard or soft wood) cordwood minimum four thousand feet, a rate of one dollar seventy-five cents per thousand feet from Childwold (Pitchfork), N. Y., and Kildare, N. Y., over the New York and Ottawa Railway to Tupper Lake Junction, N. Y., including New York Central and Hudson River Railroad delivery; also rate of two dollars and twenty-five cents per thousand feet from same stations over the New York and Ottawa Railway via Tupper Lake Junction, N. Y., and the New York Central and Hudson River Railroad to Piercefield, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1824, of date December 19, 1910."

Completed by P. S. C. No. 243, effective December 22, 1910.

No. 1825; December 20, 1910; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 626, and as canceling freight tariff P. S. C., 2 N. Y., No. 616, establishing a rate of twenty-five cents per hundred pounds on knit goods in cases, any quantity, from Warsaw, N. Y., and Perry, N. Y., carload shipments to move over the Buffalo, Rochester and Pittsburgh railway via Maplewood, N. Y., West Shore railroad and New York Central and Hudson River railroad; less carload shipments to move via Rochester, N. Y., and the New York Central and Hudson River railroad to New York, N. Y. Said tariff shall be filed and posted under an effective date December 23, 1910, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1825, of date December 20, 1910."

Completed by P. S. C. No. 626, effective December 24, 1910.

No. 1826; December 21, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to amend, on three (3) days' notice to the public and the Commission, its

freight tariff P. S. C., 2 N. Y., No. 1526, by the issuance of supplement No. 1 thereto, establishing a rate of one dollar per two thousand pounds on ice, carloads, minimum weight as per official classification in effect at the time of shipment, from Corning, N. Y., over the Erie railroad via Mt. Morris and the Dansville and Mt. Morris railroad to Dansville, N. Y. Said supplement shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1826, of date December 21, 1910."

Completed by supplement No. 1 to P. S. C. No. 1526, effective December 27, 1910.

No. 1827; December 21, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to issue, on three (3) days' notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 1857, canceling freight tariff P. S. C., 2 N. Y., No. 1844, and reissuing the rates contained therein making no change other than to establish a rate of thirty-five cents per two thousand pounds on brick, common and hollow, carloads, minimum weight as per official classification in effect at the time of shipment, from Lancaster, N. Y., and Town Line, N. Y., over the Erie railroad to Black Rock, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission. Second District, State of New York, No. 1827, of date December 21, 1910."

Completed by P. S. C. No. 1857, effective December 28, 1910.

No. 1828; December 21, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to issue, on five (5) days' notice to the public and the Commission, a passenger tariff as its P. S. C., 2 N. Y., No. 580, canceling its passenger tariff P. S. C., 2 N. Y., No. 447, and reissuing without change the matter contained therein so far as the same applies to commerce subject to the supervision of this Commission. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1828, of date December 21, 1910."

Completed by P. S. C. No. 580; effective January 8, 1911.

No. 1829; December 23, 1910; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. 8703, establishing a rate of sixty cents per two thousand pounds on ice, carloads, minimum weight fifty thousand pounds unless marked capacity of car is less, in which case the marked capacity of the car will govern, but in no case will the minimum weight be less than forty thousand pounds, from Furniss, N. Y., over the New York Central and Hudson River railroad via Oswego, N. Y., and the Delaware, Lackawanna and Western railroad to Minetto, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1829, of date December 23, 1910."

Completed by P. S. C. No. 8703, effective December 29, 1910.

No. 1830; December 23, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission,

its freight tariff P. S. C., 2 N. Y., No. 2196, by the issuance of supplement No. 2 thereto, providing under caption "Exceptions" the following at Oneonta, N. Y. At Oneonta, N. Y., from any siding within yard limits to any other delivery on D. & H. Co., tracks within yard limits, on grain and grain products, in straight or mixed carloads, as specified in P. S. C., 2 N. Y., No. 2130, and supplements thereto or superseding issues thereof, loaded at shippers' warehouse, a switching rate of three dollars for sixty thousand pounds or less, excess in proportion. Said supplement shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1830, of date December 23, 1910."

Completed by supplement No. 2 to P. S. C. No. 2196, effective December 30, 1910.

No. 1831; December 24, 1910; The Pullman Company:

Ordered: That The Pullman Company be and is hereby authorized to issue, on five (5) days' notice to the public and the Commission, a tariff properly P. S. C., 2 N. Y., numbered, as superseding its tariff P. S. C., 2 N. Y., No. 40, establishing rates as follows: Where the lower berth rate is $1.50 the rate for an upper berth between the same points to be $1.25; where the lower berth rate is $1.75 or more, the rate for an upper berth between the same points to be 80% thereof; no change to be made in rates for lower berths unless such change is such as constitutes a reduction over the existing rate. Said tariff shall be filed and posted under an effective date February 1, 1911, and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1831, of date December 24, 1910."

Completed by P. S. C. No. 171, effective February 1, 1911.

No. 1832; December 28, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to amend, on thirty (30) days' notice to the public and the Commission, its freight tariff G. O.-P. S. C., 2 N. Y., No. 336, by the issuance of supplement No. 2 thereto, making no change in the matter contained therein relating to commerce subject to the supervision of this Commission. Said supplement shall be filed and posted under an effective date February 1, 1911, and bear the following notation: "Issued on thirty (30) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1832, of date December 28, 1910."

Completed by supplement No. 2 to G. O.-P. S. C. No. 336, effective February 1, 1911.

No. 1833; December 28, 1910; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to amend, on thirty (30) days' notice to the public and the Commission, its freight tariff G. O.-P. S. C., 2 N. Y., No. 339, by the issuance of supplement No. 2 thereto, making no change in the matter contained therein relating to commerce subject to the supervision of this Commission. Said supplement shall be filed and posted under an effective date February 1, 1911, and bear the following notation: "Issued on thirty (30) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1833, of date December 28, 1910."

Completed by supplement No. 2 to G. O.-P. S. C. No. 339, effective February 1, 1911.

No. 1834; December 28, 1910; Penn Yan, Keuka Park and Branchport Railway Company:

Ordered: That the Penn Yan, Keuka Park and Branchport Railway Company be and is hereby authorized to issue, on ten (10) days' notice to the

public and the Commission, a local tariff of car service and demurrage charges as its P. S. C., 2 N. Y., No. 20, canceling its P. S. C., 2 N. Y., No. 6, reissuing the matter contained therein and also providing a regulation that no demurrage charges will be assessed for detention of cars through weather interference during prescribed free time for loading or unloading. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1834, of date December 28, 1910."

Completed by P. S. C. No. 20, effective January 11, 1911.

No. 1835; December 28, 1910; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a freight tariff as its P. S. C., 2 N. Y., No. D-1802, establishing a rate of one dollar per ton of two thousand pounds on manure in carloads, minimum weight as per official classification in effect at the time of shipment, from Moravia, N. Y., Locke, N. Y., Groton, N. Y., and Freeville, N. Y., over the Lehigh Valley railroad to Geneva, N. Y., Oaks Corners, N. Y., and Pre-Emption, N. Y. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1835, of date December 28, 1910."

Completed by P. S. C. No. D-1802, effective January 8, 1911.

No. 1836; December 29, 1910; Syracuse Rapid Transit Railway Company:

Ordered: That the Syracuse Rapid Transit Railway Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its local passenger tariff P. S. C., 2 N. Y., No. 1, by the issuance of a supplement No. 1 thereto, establishing a cash passenger fare applying in either direction between Syracuse, N. Y., and Liverpool, N. Y., of five cents. Said tariff shall be filed within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1836, of date December 29, 1910."

Completed by supplement No. 1 to P. S. C. No. 1, effective January 6, 1911.

No. 1837; December 30, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on three (3) days' notice to the public and the Commission, its joint freight tariff P. S. C., 2 N. Y., No. 2366, by the issuance of supplement No. 2 thereto, making no change other than to correct supplement No. 1 by showing in connection with Westchester Avenue station, New York, N. Y., index No. 9½, a reference mark, the explanation of which provides that freight in carloads only may be accepted. Said supplement shall be filed and posted under an effective date January 7, 1911, and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1837, of date December 30, 1910."

Completed by supplement No. 2 to P. S. C. No. 2366, effective January 9, 1911.

No. 1838; December 30, 1910; The Pittsburg, Shawmut and Northern Railroad Company, (Frank Sullivan Smith, Receiver):

Ordered: That The Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, receiver) be and is hereby authorized to amend, on ten (10) days' notice to the public and the Commission, its joint freight tariff P. S. C., 2 N. Y., No. 271, by the issuance of supplement No. 1 thereto, making no

change other than as follows: Title page, correct concurrence form and number of Pennsylvania railroad to read "F4 No. 31"; add to reference to tariff P. S. C., 2 N. Y., No. 267, the following: "Supplements thereto or reissues thereof." Said supplement shall be filed and posted under an effective date February 1, 1910, and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1838, of date December 30, 1910."

Completed by supplement No. 1 to P. S. C. No. 271, effective February 1, 1911.

No. 1839; December 30, 1910; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to reissue, on three (3) days' notice to the public and the Commission, its joint freight tariff P. S. C., 2 N. Y., No. 1787, by the issuance of joint freight tariff P. S. C., 2 N. Y., No. 1791, reissuing the matter contained therein making no change other than as follows: Change route letter in connection with destinations shown under caption "Walkill Valley Branch Stations" to read "E" instead of "B." Said tariff shall be filed and posted under an effective date January 17, 1911, and bear the following notation: "Issued on three (3) days' notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1839, of date December 30, 1910."

Completed by P. S. C. No. 1791, effective January 17, 1911.

No. 1840; December 31, 1910; Carthage and Copenhagen Railroad Company:

Ordered: That the Carthage and Copenhagen Railroad Company be and is hereby authorized to reissue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 6, by the issuance of freight tariff P. S. C., 2 N. Y., No. 11, making no change therein other than such as is necessary to bring the schedule into conformity with the classification governing and the tariff regulations of the Commission. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1840, of date December 31, 1910."

Completed by P. S. C. No. 11, effective January 8, 1911.

No. 1841; December 31, 1910; Carthage and Copenhagen Railroad Company:

Ordered: That the Carthage and Copenhagen Railroad Company be and is hereby authorized to reissue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 8, by the issuance of freight tariff P. S. C., 2 N. Y., No. 13, making no change therein other than such as is necessary to bring the schedule into conformity with the classification governing and the tariff regulations of the Commission. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1841, of date December 31, 1910."

Completed by P. S. C. No. 13, effective January 8, 1911.

No. 1842; December 31, 1910; Carthage and Copenhagen Railroad Company:

Ordered: That the Carthage and Copenhagen Railroad Company be and is hereby authorized to reissue, on one (1) day's notice to the public and the Commission, its freight tariff P. S. C., 2 N. Y., No. 9, by the issuance of freight tariff P. S. C., 2 N. Y., No. 12, making no change therein other than such as is necessary to bring the schedule into conformity with the classification governing and the tariff regulations of the Commission. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice

to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1840, of date December 31, 1910."

Completed by P. S. C. No. 12, effective January 8, 1911.

No. 1843; December 30, 1910; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to reissue, on one (1) day's notice to the public and the Commission, its joint freight tariffs P. S. C., 2 N. Y., Nos. 1846 and 1847, by the issuance of joint freight tariff P. S. C., 2 N. Y., No. 1860, reissuing the matter contained therein, making no change other than to establish rates in cents per bushel on carload shipments of grain, ex-lake to New York state points taking Boston and Albany rate basis, as follows: To Boston, on barley 6½; corn 7½; flaxseed 8; oats 4½; rye 7¾; wheat 8. To Albany, on barley 4¾, from ex-lake at and east of Buffalo, N. Y., over the Erie railroad via Binghamton, N. Y., to points on Delaware and Hudson Company's railroad; also to points reached via Delaware and Hudson Company's railroad, Mechanicville, N. Y., and Boston and Maine railroad. Said tariff shall be filed and posted under an effective date January 2, 1911, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1843, of date December 30, 1910."

Completed by P. S. C. No. 1860, effective January 2, 1911.

No. 1844; December 31, 1910; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its tariff P. S. C., 2 N. Y., No. 4, by the issuance of supplement No. 7 thereto, providing fares to apply to and from Belden, N. Y., a new station, and in establishing same by supplement issue the tariff regulation relating to number and volume of supplements is waived. Said supplement shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1844, of date December 31, 1910."

Completed by supplement No. 7 to P. S. C. No. 4, effective January 2, 1911.

No. E-27; February 15, 1910; Adams Express Company:

Ordered: That the Adams Express Company be and is hereby authorized to amend its tariffs P. S. C., 2 N. Y., Nos. 562 and 563, making no change therein other than the following: Correct title page of tariff P. S. C., 2 N. Y., No. 562, to read: "Effective on New York intrastate shipments March 10, 1910. Effective on interstate shipments September 1, 1909"; and correct title page of tariff P. S. C., 2 N. Y., No. 563, to read: "Effective on New York intrastate shipments March 10, 1910. Effective on interstate shipments January 1, 1910"; provided that tariffs naming said amendments are filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 562, and supplement No. 1 to P. S. C., 2 N. Y., No. 563, and posted at stations at least ten days prior to the effective date specified in such tariffs, which effective date shall be March 10, 1910. Such tariffs shall bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E-27, of date February 15, 1910."

Completed by supplement No. 1 to P. S. C. No. 562, and supplement No. 1 to P. S. C. No. 563, effective March 10, 1910.

No. E-28; June 3, 1910; The Long Island Railroad Company (Express department):

Ordered: That The Long Island Railroad Company (Express department) be and is hereby authorized to amend, on three days' notice to the public and Commission, its express tariff of local rates on Milk, P. S. C., 2 N. Y., No. E-44, by the issuance of supplement No. 1 thereto, and provide therein for

rate of fifteen cents per case of twelve bottles or less, and when cases contain more than twelve bottles, one and one-quarter cents per bottle will be charged for each bottle in excess, from Bridgehampton, N. Y., to New York state stations Water Mill, Southampton, Shinnecock Hills, Good Ground, Quogue, Westhampton, Speonk, Eastport, East Moriches, Center Moriches, Mastic, Brookhaven, Bellport, Patchogue, Blue Point, Bayport, Sayville, Oakdale, Great River, Islip, Bayshore, and Babylon; also from Long Island City, N. Y., Bushwick, N. Y., East New York, N. Y., and Flatbush Avenue, N. Y., to New York state stations Valley Stream, Lynbrook, East Rockaway, Long Beach, Rockville Center, Baldwin, Freeport, Merrick, Bellmore, Wantagh, Seaford, Massapequa, Amityville, Copaigue, Lindenhurst, Babylon, Bayshore, Islip, Great River, Oakdale, Sayville, Bayport, Blue Point, and Patchogue. Said rates not to include any wagon service nor to apply on shipments to or from connecting carriers, but will include free return of empty packages. The minimum charge for a single shipment to be twenty-five cents. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E–28, of date June 3, 1910."

Completed by supplement No. 1 to P. S. C. No. E–44, effective June 13, 1910.

No. E–29; August 6, 1910; American Express Company:

Ordered: That the American Express Company be and is hereby authorized to issue, on five days' notice to the public and Commission, a commodity tariff as its P. S. C., 2 N. Y., No. 31, establishing a rate of one dollar and fifty cents per one hundred pounds on Motor Boats, not otherwise specified, not boxed or crated, when requiring a special car for transportation, minimum weight ten thousand pounds, from New York, N. Y., to Clayton, N. Y. Such rate may only be applied when the company is given such reasonable advance notice as will enable it to furnish a car. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E–29, of date August 6, 1910."

Completed by P. S. C. No. 31, effective August 14, 1910.

No. E–30; August 16, 1910; American Express Company:

Ordered: That the American Express Company be and is hereby authorized to amend, on two days' notice to the public and Commission, its merchandise tariff P. S. C., 2 N. Y., No. A–7, by the issuance of supplement No. 1 thereto, changing the merchandise rates in cents per one hundred pounds as shown on page 56 in either direction between offices taking rate No. 33 and rate No. 146, from seventy-five to sixty. Said tariff shall be filed and posted within ten days from the date of this order and bear the following notation: "Issued on two days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E–30, of date August 16, 1910."

Complete by supplement No. 1 to P. S. C. A–7, effective August 25, 1910.

No. E–31; October 4, 1910; F. G. Airy, agent:

Ordered: That F. G. Airy, agent of the Adams, American, Canadian, National, and United States Express Companies and the Wells Fargo and Company Express, be and is hereby authorized to amend, on three (3) days' notice to the public and Commission, his tariff P. S. C., 2 N. Y., No. 9, by the issuance of a supplement as No. 2 thereto, in lieu of No. 1 rejected by the Commission, making no change therein other than to postpone until November 1, 1910, the effective date of items Nos. 23 and 24 as shown on page 18, and items Nos. 1, 2, 3, and 4 as shown on page 19 of official express classification, his P. S. C., 2 N. Y., No. 9. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission

under special permission of the Public Service Commission, Second District, State of New York, No. E–31, of date October 4, 1910."

Completed by supplement No. 2 to P. S. C. No. 9, effective October 10, 1910.

No. E–32; November 23, 1910; Adams Express Company:

Ordered: That the Adams Express Company be and is hereby authorized to amend, on ten (10) days' notice to the public and the Commission, its tariff P. S. C., 2 N. Y., No. 569, exceptions to official express classification, by the issuance of supplement No. 1 thereto, making such changes therein as are necessary to bring it into conformity with the tariff regulations with reference to showing by P. S. C., 2 N. Y., number schedules referred to therein and made a part thereof. Said tariff shall be issued under an effective date December 15, 1910, and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E–32, of date November 23, 1910."

Completed by supplement No. 1 to P. S. C. No. 569, effective December 15, 1910.

No. E–33; December 5, 1910; The Long Island Railroad Company (Express department):

Ordered: That The Long Island Railroad Company (Express department) be and is hereby authorized to issue, on one (1) day's notice to the public and the Commission, an express tariff as its P. S. C., 2 N. Y., No. E–59, establishing a rate of forty cents per hundred pounds on books and magazines between Garden City, N. Y., and New York city, Borough of Manhattan, 72nd Street and south, and rate of fifty cents per hundred pounds between Garden City, N. Y., and New York city, Borough of Manhattan, to points north of 72nd Street to 135th Street on the east side and 150th Street on the west side. Said tariff shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E–33, of date December 5, 1910."

Completed by P. S. C. No. E–59, effective December 8, 1910.

No. G&E–1; December 27, 1910; Fulton County Gas and Electric Company:

Ordered: That the Fulton County Gas and Electric Company be and is hereby authorized to amend its schedule, putting into effect January 1, 1911, the following reduced rates: For first five thousand cubic feet or under, per month, $1.20 per thousand cubic feet; next five thousand cubic feet or any portion thereof, per month, $1.10 per thousand cubic feet; all gas consumed in excess of ten thousand cubic feet per month, $1.00 per thousand cubic feet. Said schedule shall be filed under an effective date January 1, 1911, and bear the following notation: "Issued on one (1) day's notice under special permission of the Public Service Commission, Second District, State of New York, No. G&E–1, of date December 27, 1910."

Complete by schedule filed, effective January 1, 1911.

No. T&T–1; December 1, 1910; New York Telephone Company:

Ordered: That the New York Telephone Company be and is hereby authorized to amend, on three (3) days' notice to the public and the Commission, its toll rate schedules filed in its binder "D." containing section rates, Hudson division, by the issuance of supplement No. 2 to such binder, changing the application of place rate sheets as follows: Schedule now reads "From place number shown in head line to place number shown in side line," change to read "between place number shown in head line and place number shown in side line." Said supplement shall be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. T&T–1, of date December 1, 1910."

Completed by supplement No. 2 to Binder "D," effective December 9, 1910.

No. T&T–2; December 27, 1910; New York Telephone Company:

Ordered: That the New York Telephone Company be and is hereby authorized to amend its schedule binder "D" by the issuance either of a supplement No. 3 thereto or filing of new leaves as first revised pages of sections Nos. 51 and 53, putting into effect January 1, 1911, the following reduced rates: adding to sections 51 and 53 place rates applying in either direction between places Nos. 435, Chatham Center, N. Y., 448, Rayville, N. Y., 449, Riders Mills, N. Y., and place No. 455, Chatham, N. Y., rate of ten cents, with reference mark denoting that said rate is free for subscribers. Said schedule shall be filed and posted under an effective date January 1, 1911, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. T&T–2, of date December 27, 1910."

Completed by revised pages, effective January 1, 1911.

No. T&T–3; December 27, 1910; American Telephone and Telegraph Company:

Ordered: That the American Telephone and Telegraph Company be and is hereby authorized to amend its rate sheets, square Nos. 338 and 1808, by the issuance of supplements Nos. 1 thereto, establishing a telephone message rate in either direction between square No. 338, Syracuse, N. Y., to gether with checking stations, and square No. 1808, Horseheads, N. Y., together with checking stations, a telephone message rate of thirty-five cents for first three minutes; each additional minute twenty cents. Said schedule shall be filed and posted under an effective date January 1, 1911, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. T&T–3, of date December 27, 1910."

Complete by supplements Nos. 1 to rate sheet squares Nos. 338 and 1808, effective January 1, 1911.

No. T&T–4; December 28, 1910; New York Telephone Company:

Ordered: That the New York Telephone Company be and is hereby authorized to amend its schedule binder "A" by the issuance of supplement No. 2 thereto, making no change other than to eliminate from all rate sheets Jericho, L. I., and providing for future rates to and from Jericho to be the same as to and from Hicksville, L. I., and indicated in binder "B." Said supplement shall be filed and posted under an effective date January 1, 1911, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. T&T–4, of date December 28, 1910."

Completed by supplement No. 2, Binder "A," effective January 1, 1911.

No. T&T–5; December 28, 1910; New York Telephone Company:

Ordered: That the New York Telephone Company be and is hereby authorized to issue, on one day's notice to the public and the Commission, a schedule as binder "B," canceling schedule binder "B" filed September 1, 1910 (Directory of Localities and Routing Instructions for Metropolitan, Westchester, Long Island, and New Jersey Divisions), revising same to include all changes which will be in effect on January 1, 1911. Said tariff shall be filed and posted under an effective date January 1, 1911, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. T&T–5, of date December 28, 1910."

Completed by Binder "B," effective January 1, 1911.

No. T&T–6; December 28, 1910; New York Telephone Company:

Ordered: That the New York Telephone Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its schedule binder "C" (Tariff and Route Book, Hudson division),

by the issuance of supplement No. 2 thereto, and make the following additions:

Page 5, on back add the following:

Place	*Checking center*
Arietta, Hamilton Co., 30 O. L. Johnstown (Sec. 27)	Johnstown

Page 7, on back add the following:

Section	*Place*	*Place*	*Checking center*
118	953	Bradley, Sullivan Co., P. S. Neversink	See Liberty
118	953	Callicoon Center, Sullivan Co., Jeffersonville	See Liberty
70	744	Bulls Head, Dutchess Co	Poughkeepsie

Page 8, on back add the following:

Section	*Place*	*Place*	*Checking center*
122	113	Cedar River, Hamilton Co	Glens Falls
70	744	Clinton Hollow, Dutchess Co	Poughkeepsie

Page 10, on the back add the following:

Section	*Place*	*Place*	*Checking center*
118	953	Debruce, Sullivan Co	See Liberty
32	223	East Salt, Springville, Otsego Co	Fort Plain

Page 12, on the back add the following:

Section	*Place*	*Place*	*Checking center*
118	953	Fosterdale, Sullivan Co., P. S. Jeffersonville	See Liberty

Page 13, on the back add the following:

Section	*Place*	*Place*	*Checking center*
70	744	Hibernia, Dutchess Co	Poughkeepsie

Page 14, on the back add the following:

Place	*Checking center*
Hope, Hamilton Co., 25–5 Johnstown (Sec. 27), Northville	Johnstown
Hope Valley, Hamilton Co., 25–5 Johnstown (Sec. 27), Northville	Johnstown

Page 15, on the back add the following:

Section	*Place*	*Place*	*Checking center*
118	953	Lake Huntingdon, Sullivan Co., Jeffersonville	See Liberty

Page 21, on the back add the following:

Section	*Place*	*Place*	*Checking center*
		Rock Hill, Sullivan Co., 15–5 Monticello (Sec. 19)	See Monticello
70	744	Schultzville, Dutchess Co	Poughkeepsie
70	744	Salt Point, Dutchess Co	Poughkeepsie

Page 22, on the back add the following:

Section	*Place*	*Place*	*Checking center*
118	953	Shandalee, Sullivan Co., Jeffersonville	See Liberty

Page 24, on the back add the following:

Section	*Place*	*Place*	*Checking center*
29	200	Upper St. Johnsville, Montgomery Co	St. Johnsville
70	744	Upton Lake, Dutchess Co	Poughkeepsie

Page 25, on the back add the following:

Place	*Checking center*
Wells, Hamilton Co., 25–5 Johnstown (Sec. 27), Northville	Johnstown

Page 26, on the back add the following:

Section	*Place*	*Place*	*Checking center*
70	744	Willow Brook, Dutchess Co	Poughkeepsie

Page 12, change the listing as follows:

Section	*Place*	*Place*	*Checking center*
78	789	Fishkill Village, Dutchess Co	Fishkill-on-Hudson

Page 13, change the listing as follows:

Section	*Place*	*Place*	*Checking center*
57	545	Glenwood Hotel, Green Co	Catskill

Page 16, change the listing as follows:

Section	*Place*	*Place*	*Checking center*
10	1127	Lake Cossayuna, Washington Co	Greenwich

Page 17. change the listing as follows:

Section	*Place*	*Place*	*Checking center*
94	862	Maybrook, Orange Co., P. S. Burnside...	Goshen
69	724	Lithgow, Dutchess Co.....	Amenia

Page 18, change the listing as follows:

Section	*Place*	*Place*	*Checking center*
112	778	Mineville, Essex Co.....	Port Henry

Page 21, change the listing as follows:

Section	*Place*	*Place*	*Checking center*
83	1034	Purdy's, Westchester Co.....	Brewster

Page 25, change the listing as follows:

Section	*Place*	*Place*	*Checking center*
47	291	Union Church, Albany Co.....	Albany
79	835	Vail's Gate, Orange Co.....	Newburgh

Page 26, change the listing as follows:

Section	*Place*	*Place*	*Checking center*
69	724	Wassaic, Dutchess Co.....	Amenia

Said tariff shall be filed and posted under an effective date January 1, 1911, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. T&T–6, of date December 28, 1910."

Completed by supplement No. 2 to Binder "C," effective January 1, 1911. No. T&T–7; December 28, 1910; New York Telephone Company:

Ordered: That the New York Telephone Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its binder "E" (Extra Territorial Rate Sheets, Hudson Division), by the issuance of supplement No. 2 thereto, making the following changes to correct clerical error and duplication of rate, by removing from rate sheets Ausable Forks, Chateaugay, Elizabethtown, Keene, Keeseville, Lake Placid, Malone, Plattsburgh, Rouses Point, Saranac Lake, and Tupper Lake the rates to Frontenac, N. Y. Said tariff shall be filed and posted under an effective date January 1, 1911, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. T&T-7, of date December 28, 1910."

Completed by supplement No. 2 to Binder "E," effective January 1, 1911. No. T&T–8; December 28, 1910; New York Telephone Company:

Ordered: That the New York Telephone Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its schedule binder "F" (Toll Station Directory, Central Division), by the issuance of supplement No. 1 thereto, changing the listing of the following points to read:

Rate square	*Station*	*Route via*
611	Nelson, N. Y.....	Morrisville, N. Y.
582	Peterboro, N. Y.....	Morrisville, N. Y.
669	Earlville, N. Y.....	Hamilton, N. Y.

Said supplement shall be filed and posted under an effective date January 1, 1911, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. T&T–8, of date December 28, 1910."

Completed by supplement No. 2 to Binder "F," effective January 1, 1911. No. T&T–9; December 28, 1910; New York Telephone Company:

Ordered: That the New York Telephone Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its schedule binder "H" (Toll Station Directory, Buffalo division), by the issuance of supplement No. 2 thereto, changing the listing of the following points to read:

Station	*Switching station*
Nelson, N. Y. (C. N. Y.).....	Morrisville, N. Y.
Peterboro, N. Y. (C. N. Y.).....	Morrisville, N. Y.
Earlville, N. Y. (C. N. Y.).....	Hamilton, N. Y.

Said supplement shall be filed and posted under an effective date January 1, 1911, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. T&T–9, of date December 28. 1910."

Completed by supplement No. 2 to binder "H," effective January 1, 1911.

No. T&T–10; December 28, 1910; New York Telephone Company:

Ordered: That the New York Telephone Company be and is hereby authorized to amend, on one (1) day's notice to the public and the Commission, its schedule binder "K" (Toll Station Directory, New York and Penna. Division), by the issuance of supplement No. 2 thereto, changing the listing of the following points to read:

Square	*Station*	*Check*
611	Nelson, N. Y. (C. N. Y.)	Morrisville
669	Earlville, N. Y. (C. N. Y.)	Hamilton

Said supplement shall be filed and posted under an effective date January 1, 1911, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. T&T–10. of date December 28, 1910."

Completed by supplement No. 2 to Binder "K," effective January 1, 1911.

APPENDIX J

In the Matter of Applications and Complaints, Not Classified, Railroad Corporations.

APPENDIX J

[Case No. 1295]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Serviee Commission, Seeond Distriet, held at the Capitol, Albany, on the 12th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of FRANK H. STUART of Springwater, Livingston eounty, N. Y., *against* the ERIE RAILROAD COMPANY as to lack of farm erossing.

Whereas, It appears by letter from H. A. Taylor, assistant general solieitor of the Erie Railroad Company, addressed to this Commission and dated Deeember 27, 1909, that the erossing referred to in the matter of the eomplaint of Frank H. Stuart of Springwater, Livingston eounty, N. Y., against the Erie Railroad Company has been completed and is now in use; and

Whereas, It further appears by letter of complainant dated January 3, 1910, addressed to this Commission, that the said crossing has been eompleted with the exeeption of eertain grading whieh ean not be done by the railroad eompany until spring; after due deliberation it is

Ordered: That the above matter be and the same hereby is elosed upon the reeords of this Commission.

[Case No. 1487]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of Reports by THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY of passenger train movements. — Order to show eause.

Whereas, It appears by the report of the supervisor of equipment dated January 15, 1910, that the train sheets of The Delaware, Laekawanna and Western Railroad Company for its Buffalo, Syraeuse, and Utiea divisions for the month of September, 1909, have been eompared with the reports filed by that eompany of train delays for the same month, and that very serious and important diserepaneies between sueh reports and train sheets have been diselosed by such eheeking; now therefore

Ordered: That this Commission make inquiry into the cause of such discrepancies, and that the said The Delaware, Lackawanna and Western Railroad Company be and it is hereby required to show cause before this Commission, at its hearing room in the Capitol at Albany, New York, on the 7th day of February, 1910, at 2 o'clock in the afternoon, why the said reports of train delay movements for the month of September, 1909, were not made in accordance with the directions of this Commission, and why said company should not be required to make and file new reports of its train delays from and including the month of April, 1908, to the present time.

[Case No. 1428]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the HUDSON VALLEY RAILWAY COMPANY under section 54 of the Public Service Commissions law for the joint use by said company's cars, electric locomotives, and the steam locomotives and freight cars of the Greenwich and Johnsonville Railway Company.

The Hudson Valley Railway Company having on the 28th day of December, 1909, filed with this Commission its petition under section 54 of the Public Service Commissions Law for the approval of the Public Service Commission of the joint use by said company's cars, electric locomotives, and the steam locomotives and freight cars of the Greenwich and Johnsonville railway, of a railroad track now built between the plant of the Standard Wall Paper Company on the westerly side of the Hudson river, in the county of Saratoga, and the plant of the Iroquois Paper Company on the easterly side of the Hudson River, in the county of Washington; and a public hearing on said petition, after due notice given in the Schuylerville *Standard*, a newspaper published in the village of Schuylerville, Saratoga county, N. Y., and in the Greenwich *Journal*, a newspaper published in the village of Greenwich, Washington county, N. Y., and due proof of the publication of said notices in said papers having been filed, was held by this Commission in the city of Albany on the 4th day of January, 1910, *Lewis E. Carr* and *James McPhillips* appearing for the petitioner, and no one appearing in opposition; now upon the aforesaid petition, papers filed in evidence at the hearing, and after due deliberation, it is

Ordered: That under section 54 of the Public Service Commissions Law this Commission hereby permits and approves of the joint use by the Hudson Valley Railway Company of its cars and electric locomotives, and the steam locomotives and freight cars of the Greenwich and Johnsonville railway, of the railroad track now built between the plant of the Standard Wall Paper Company on the westerly side of the Hudson river, in the county of Saratoga, and the plant of the Iroquois Paper Company on the easterly side of the Hudson river, in the county of Washington, under the following rules and regulations to be enforced while said track is so used: *First*, all crews operating cars, electric locomotives, steam engines, and freight cars over said track to receive orders from the dispatcher of the Hudson Valley Railway Company before entering in and upon said track; *Second*, the engines and cars of the

Greenwich and Johnsonville Railway Company, while on said track, to be protected by a flagman at the front and rear; *Third*, the cars and electric locomotives of the Hudson Valley Railway Company and the cars and engines of the Greenwich and Johnsonville Railway Company are to be operated over said track at such a rate of speed, to be fixed by the respective companies, as will insure safety in their operation; *Fourth*, the use of said track by the Greenwich and Johnsonville Railway Company to be at such time in the day and during such period of time as the managers of the two companies may agree upon, having regard to the safety of operation and interference with the movements of the Hudson Valley cars; *Fifth*, all cars and electric locomotives of the Hudson Valley company and the engines and cars of the Greenwich and Johnsonville company are to come to a full stop before entering upon the track to be used jointly.

[Case No. 558]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 53 of the Public Service Commissions Law for permission to construct a cut-off line of railroad between Manchester bridge and Briggs siding, Dutchess county.

Whereas, In the matter of the application of the Central New England Railway Company for permission to build a cut-off between Manchester bridge and Briggs siding in Dutchess county, N. Y., it is the opinion of Charles M. Sheafe, jr., attorney for Central New England Railway Company, that the matter may be closed, as expressed in a letter dated February 9, 1910.

Ordered: That the matter be and it is hereby closed upon the records of this Commission.

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY AS LESSEE OF THE MOHAWK AND MALONE RAILWAY, THE CARTHAGE AND ADIRONDACK RAILWAY, AND THE NEW YORK AND OTTAWA RAILWAY, for a supplementary hearing on its petition for an extension of time of one year of the order of the Public Service Commission requiring the burning of oil in the Adirondack Forest Preserve.

Whereas, Said company urges (1) that the cost of oil burning will be greater than the estimate used by the Commission in its determination in this case, and the execution of the order will therefore require an increase of rates or reduce the earnings of said roads to an unreasonable extent; (2) that the plans for fire prevention instituted by said companies have proved successful during the past summer, and it is believed that a further trial will prove them to be such a complete success as to make the use of oil unnecessary; and

Whereas, This Commission has by its inspectors kept informed of conditions in the Adirondacks during the past season, and of the trials which aforesaid railroad companies have made both with coal burning and oil burning locomotives, and such inspectors' reports show: (1) that said companies have been obliged to operate the trial oil burning locomotives under such conditions as to make it impracticable to determine accurately the relative consumption of oil and coal, and that therefore the figures obtained from the extended experience with oil on the Southern Pacific Railroad and used by the Commission in its determination in this case must remain more convincing than such experimental data as the railroads operating in the Adirondacks can show; (2) that the difficulties in maintaining coal burning locomotives in proper condition to secure safety of operation in the Forest Preserve were not overstated in the opinion of the Commission upon which the order in this case was based; and

Whereas, The Commission is of the opinion that arrangements for extinguishing fires however apparently efficient do not fully meet the situation which imperatively requires that no fires be kindled; and

Whereas, The aforesaid railroad companies have delayed the installation of oil burning locomotives in the expectation of showing to the satisfaction of this Commission that less expensive methods of fire prevention are practicable, and the time is now too short to permit the order to be made completely effective by April 15, 1910, as originally contemplated; and the Commission is of the opinion that an extension of time in the execution of said order may properly be granted provided the same precautions as to inspection of coal burning locomotives are taken as last summer; it is therefore

Ordered: 1. That the supplementary petition of The New York Central and Hudson River Railroad Company in this matter be and it is hereby denied.

Ordered: 2. That the time for the complete installation of oil burning locomotives be and hereby is extended from April 15, 1910, as follows: 2 oil burning locomotives to be placed in service April 15, 1910; 3 additional May

1, 1910; 10 additional June 1, 1910; 10 additional July 1, 1910; the remainder by August 1, 1910.

Ordered: 3. That the portion of the order in this matter issued April 1, 1909, authorizing the use of coal burning locomotives at night, be and hereby is modified to permit the use of such locomotives through to destination if the trains to which they are attached are not more than two hours late, and provided that such trains are regularly scheduled to operate within the Forest Preserve between the hours of 8 p. m. and 8 a. m.

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the CRANBERRY LAKE RAILROAD COMPANY for exemption from the order requiring the use of oil as a fuel within the Adirondack Forest Preserve.

Whereas, The Cranberry Lake Railroad Company has shown that the cost of oil, due to the freight rates on connecting lines, is more than the price used by this Commission in its determination in this case; and

Whereas, It has been shown to the satisfaction of the Commission by the reports of its inspectors that protection against setting fires on the Cranberry Lake railroad and the facilities for extinguishing such fires as may be started are adequate under the present management of the company; and

Whereas, It has been shown that no serious fires have been started by the operation of coal burning locomotives on the Cranberry Lake railroad under the present management; and

Whereas, The Forest, Fish, and Game Commissioner, in a letter of February 24th to this Commission, states as his belief that the operation of coal burning locomotives under the conditions existing on the Cranberry Lake railroad is practically free from danger; and

Whereas, This Commission is of the opinion that the exemption of said road from the requirements of the order of this Commission dated April 1, 1909, relative to oil burning locomotives, may be safely made for the year 1910; therefore it is

Ordered: That the requirements of the order in this case dated April 1, 1909, so far as the same may affect the Cranberry Lake railroad, be and they are hereby postponed in taking effect until April 15, 1911, provided that the coal burning locomotives operated by said company shall be inspected and certified to by the inspector for this Commission in accordance with the terms of the order above referred to.

[Case No. 1557]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Reports by THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY of train movements.

After due deliberation it is

Ordered: That The Delaware, Lackawanna and Western Railroad Company be required to furnish this Commission, at a date not later than April 15, 1910, correct and complete train movement reports (Form No. 83) for the period beginning with the month of September, 1909, and for each month thereafter to and including the month of January, 1910, for each of the following divisions: Buffalo, Syracuse, Utica; these reports to be compiled in accordance with the direction for reporting as outlined on train movement report (Form No. 83), and the reports so filed are to be verified as to their correctness and completeness by the person compiling the report from the dispatchers' daily train sheets or record.

[Case No. 421]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of GEORGE A. TRIER of Orchard Park, N. Y., and others, as to insufficiency of drainage at an undercrossing by the Abbott Road highway of The Terminal Railway of Buffalo, the Lehigh and Lake Erie railroad (operated by the Lehigh Valley Railroad Company), and the Western New York and Pennsylvania railway (operated by The Pennsylvania Railroad Company), in the town of West Seneca, Erie county, in which matter the Buffalo, Rochester and Pittsburgh Railway Company is also involved.

After due deliberation it is

Ordered: That the matter of the complaint of George A. Trier of Orchard Park, N. Y., and others, against The Terminal Railway of Buffalo, the Lehigh and Lake Erie railroad (operated by the Lehigh Valley Railroad Company), and the Western New York and Pennsylvania railway (operated by The Pennsylvania Railroad Company), as to insufficiency of drainage at an undercrossing by the Abbott Road highway, in the town of Seneca, Erie

county, in which matter the Buffalo, Rochester and Pittsburgh Railway Company is also involved, be and hereby is closed upon the records, there appearing to be no reason for further action on the part of the Commission.

[Case No. 938]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the complaint of HENRY LEYME, HIGHWAY COMMISSIONER OF THE TOWN OF CAROLINE, Tompkins county, *against* LEHIGH VALLEY RAILROAD COMPANY as to bridge at Besemer's station.

Whereas, In the matter of the complaint of Henry Leyme, highway commissioner of the Town of Caroline, Tompkins county, against the Lehigh Valley Railroad Company as to bridge at Besemer's station, this Commission was requested to order the Lehigh Valley Railroad Company to coöperate with the Town of Caroline in the construction of a bridge at that place to be used jointly as a highway and railroad bridge; and

Whereas, This Commission has used its best efforts to bring about an arrangement mutually satisfactory to both parties;

Ordered: That the case be and hereby is closed upon the records, by reason of lack of power on this Commission's part to proceed further in the matter.

[Case No. 494]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, by D. R. McBain, assistant superintendent of motive power, as to exemption of inspection engine from requirements of order of this Commission of April 1, 1909, as to use of oil as fuel in locomotives in the Adirondack Forest Preserve.

Whereas, The New York Central and Hudson River Railroad Company has by letter from Mr. D. R. McBain, assistant superintendent of motive power, requested this Commission to exempt its inspection engine "Mohawk" from the requirements of the order made by the Commission on April 1, 1909, governing the use of coal and oil as fuel in locomotives used within the

Adirondack Forest Preserve from April 15th to November 1st, during daylight hours; and

Whereas, The Supervisor of Equipment for this Commission has by report of April 15, 1910, recommended that the request for such exemption be granted, under suitable conditions as to maintenance of spark-arrester and ash-pan; and

Whereas, The Forest, Fish, and Game Commissioner, in conversation with Commissioner Sague, has consented to such exemption; therefore it is

Ordered: That The New York Central and Hudson River Railroad Company's inspection engine "Mohawk" be and hereby is exempted from the terms and provisions of the above mentioned order which require the use of oil as fuel in locomotives used within the said Preserve, on condition that the spark-arresting appliances and ash-pan of the said locomotive shall be maintained in first-class condition; and provided further that said locomotive shall be inspected each year before April 15th by an inspector of this Commission and a certificate issued showing that the spark-arresting appliances and ash-pan thereof are in satisfactory condition.

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE DELAWARE AND HUDSON COMPANY, by C. S. Sims, second vice-president and general manager, as to exemption of inspection engines from requirements of order of this Commission of April 1, 1909, as to use of oil as fuel in locomotives in the Adirondack Forest Preserve.

Whereas, The Delaware and Hudson Company has by letter from C. S. Sims, second vice-president and general manager, requested this Commission to exempt its inspection engines "Saratoga" and "Transit" from the requirements of the order made by the Commission on April 1, 1909, governing the use of coal and oil as fuel in locomotives used within the Adirondack Forest Preserve from April 15th to November 1st, during daylight hours; and

Whereas, The Supervisor of Equipment for this Commission recommends that the request for such exemption be granted, under suitable conditions as to maintenance of spark-arrester and ash-pan; and

Whereas, The Forest, Fish, and Game Commissioner, in conversation with Commissioner Sague, has consented to such exemption; therefore it is

Ordered: That The Delaware and Hudson Company's inspection engines "Saratoga" and "Transit," occasionally used on the Chateaugay branch, be and hereby are exempted from the terms and provisions of the above mentioned order which require the use of oil as fuel in locomotives used within the said Preserve, on condition that the spark-arresting appliances and ash-pans of the said locomotives shall be maintained in first-class condition; and provided further that said locomotives shall be inspected each year before April 15th by an inspector of this Commission and a certificate issued showing that the spark-arresting appliances and ash-pans thereof are in satisfactory condition.

[Case No. 1374]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Motive Power in use upon the BUFFALO CREEK RAILROAD.

After due hearing and deliberation it is

Ordered: That case number 1374 be and hereby is closed, it appearing that the purposes of the investigation have been reasonably accomplished in the improvement of the service.

[Case No. 1617]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Breakage of Rails on Steam Railroads Operating in the State of New York.

Whereas, It is deemed advisable by the Commission to secure certain statistics as to the breakage of rails on steam railroads operating in the State of New York, these statistics to be of such nature as to compare the efficiency of rails differing in (*a*) process of manufacture, (*b*) character of section, (*c*) weight per unit of length, (*d*) place of manufacture; and

Whereas, Such statistics can in the opinion of the Commission be gathered by monthly reports giving the number of breakages, and by a yearly report in which these breakages are analyzed; and

Whereas, The Commission on January 6, 1909, issued certain orders as to information to be furnished by the railroad companies on this subject of rail breakage; it is

Ordered: 1. That the orders of January 6, 1909, be and hereby are rescinded.

Ordered: 2. That railroad companies operating lines in the State of New York be and hereby are required to furnish a monthly report, on or before the 20th day of each month, stating the number of rails broken on their lines (except on yard or side tracks) during the preceding month.

Ordered: 3. That a yearly report on Form No. 201 (copy attached) shall be furnished by each such railroad company, on which form the breakages reported during the year are classified and analyzed, such yearly report to cover the period from July 1st of one year to June 30th of the succeeding year, both inclusive, and shall be delivered to the Commission on or before August 1st of the year containing the date to which said yearly report is made.

Ordered: 4. That in cases where accidents have been caused by broken rails, individual reports on Form No. 202, or on railroad companies' forms provided they give the same information as called for on Form No. 202, shall be immediately delivered to the Commission.

Ordered: 5. That the annexed circular is adopted, and a copy be sent to all railroad corporations operating lines in the State of New York.

Ordered: 6. That a certified copy of this order be served on all the steam railroad corporations subject to the supervision of this Commission, and that this order as to each of such steam railroad corporations shall take effect upon the service of a certified copy thereof upon such corporation, and shall continue in force until modified or abrogated by this Commission.

[Case No. 1540]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the HUDSON VALLEY RAILWAY COMPANY for approval of a high-tension line constructed by it from the steam electric power plant of The Delaware and Hudson Company in the town of Halfmoon, Saratoga county, over various lands to the car-barn and sub-station of the United Traction Company in the city of Troy, filed March 8, 1910.

After due deliberation it is

Ordered: That the high-tension line of the Hudson Valley Railway Company as constructed from the steam electric power plant of The Delaware and Hudson Company in the town of Halfmoon, Saratoga county, to the car-barn and sub-station of the United Traction Company in the city of Troy, as described in the application of said company filed March 8, 1910, and shown on the blue-print attached to said application, be and the same is hereby approved, on condition that at all highway crossings at which the poles adjacent to said crossings are not double armed, the said poles shall be double armed before the 1st day of June, 1910.

[Case No. 1296]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of May, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of D. B. Cooper of Syracuse, N. Y., *against* The Pullman Company as to hooks to hold open the doors of Pullman cars.

After due deliberation it is

Ordered: That the matter of the complaint of D. B. Cooper of Syracuse, N. Y., against The Pullman Company as to hooks to hold open the doors of Pullman cars, be and hereby is closed upon the records of this Commission for want of prosecution.

[Case No. 1411]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of May, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of Residents of Bellmore, town of Hempstead, Nassau county, *against* The Long Island Railroad Company as to installation of a gate or passageway through a fence at the passenger station of said company in Bellmore.

After due deliberation it is

Ordered: That the matter of the complaint of residents of Bellmore, town of Hempstead, Nassau county, against The Long Island Railroad Company as to installation of a gate or passageway through a fence at the passenger station of said company in Bellmore, be and hereby is closed upon the records of this Commission, it appearing by letter from Mr. Ralph Peters, president and general manager of The Long Island Railroad Company, dated April 29, 1910, and received by this Commission April 30, 1910, that arrangements have been made for the construction of a gate as requested by the complainants herein.

[Case No. 666]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of JOHN A. MANNING PAPER COMPANY ET AL., of Troy, N. Y., *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, THE DELAWARE AND HUDSON COMPANY, and the BOSTON AND MAINE RAILROAD.

Supplemental petition of Hannibal Green's Son & Co.

The order of the Commission entered in the above entitled matter June 3, 1909, required the respondents to provide shippers and consignees with the assistance of tallymen in loading and unloading carload package freight and in thereby so doing return to the practice which prevailed prior to January 1, 1909. This order was duly complied with by the respondents. Hannibal Green's Son & Company filed August 11, 1909, a petition in the nature of an application for amendment of the order striking out the word "package" and making the order apply to all carload freight. It appears that Hannibal Green's Son & Company really desire a return to the practice obtaining some years ago in Troy whereby assistance was rendered by the carriers in the loading and unloading of carload freight generally and that such assistance was not confined to tallymen.

What the carriers may desire to do voluntarily under the stress of competition in the matter of providing assistance to shippers and consignees in the loading and unloading of carload freight is a matter for their judgment and action, but a requirement by the Commission that such assistance must be given generally in the loading and unloading of carload freight must rest upon a showing that the furnishing of such assistance is in all respects just and reasonable, and that has not been done in this case.

Carload rates generally are established upon the basis that the loading and unloading shall be done by shipper and consignee, and the rule of such loading and unloading by shipper and consignee has been generally followed by carriers throughout the country for many years, the exceptions thereto having arisen usually under competition between carriers. The determination of the Commission in this case as set forth in its order of June 3, 1909, rests solely upon the previous assistance afforded by tallymen at Troy and the withdrawal of that assistance by the carriers without material reduction of the cost to themselves and considerable increased cost to shippers and consignees in that city. That case related solely to carload package freight, and the Commission sees no reason for extending the application of that order beyond carload package freight upon the proof which has been submitted. Now, upon consideration of the facts and conditions presented in this case, it is

Ordered: That the application set forth in the said petition of Hannibal Green's Son & Company be and is hereby denied.

[Case No. 1030]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

UTICA TRAFFIC BUREAU *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, and NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY.

The complaint in this case rests upon a decision rendered by the Commission in cases originating at Rochester and Troy (*Moseley & Motley Milling Co. et al.* v. *N. Y. C. & H. R. R. R. Co. et al.*, and *John A. Manning Paper Co. et al.* v. *N. Y. C. & H. R. R. R. Co. et al.*, P. S. C. Rep. . . .), wherein it was found by the Commission that prior to January 1, 1909, it had been the custom of respondents in these cases to have tallymen employed in checking carload package freight during loading and unloading on station team tracks to assist the shipper or consignee in loading and unloading, and that the carriers' action in discontinuing such assistance by tallymen on that date subjected shippers and consignees of carload package freight on station team tracks to large additional cost while not materially diminishing the operating cost of the carriers; and it was held by the Commission that under such condition the action of the respondents discontinuing the provision of such assistance was unjust and unreasonable.

It appears in this case that at Utica the practice in question was discontinued by The New York Central and Hudson River Railroad Company in May, 1909, and that the practice had not been general by all of the respondents at Utica, The Delaware, Lackawanna and Western Railroad Company having refrained therefrom for some years prior to January 1, 1909, and that no specific testimony was presented with reference to the New York, Ontario and Western Railway Company. It also appears that much of this team track freight at Utica is handled by a carting concern which has not increased its charges to shippers on account of the discontinuance by The New York Central and Hudson River Railroad Company of the assistance by tallymen in loading and unloading package freight, and that such discontinuance has not increased the cost of labor to the carting concern. There is no proof that shippers and consignees of carload package freight at Utica have been by discontinuance of the privilege subjected to large loss on state traffic. The facts in this case are not substantially similar to those found material and controlling at Rochester and Troy. The principle applied in the Rochester and Troy cases is not one which can be or should be extended to all places regardless of wide differences in essential facts showing distinctions in prior custom and cost. Now, upon consideration of the record as presented in this case, it is

Ordered: That the complaint in this proceeding be and is hereby held not sustained.

[Case No. 1062]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of May, 1910.

Present:

FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

SYRACUSE TRAFFIC BUREAU *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY.

The complaint in this case rests upon a decision rendered by the Commission in cases originating at Rochester and Troy (*Mosely & Motley Milling Company et al.* v. *N. Y. C. & H. R. R. R. Co. et al.*, and *John A. Manning Paper Company et al.* v. *N. Y. C. & H. R. R. R. Co. et al.*, P. S. C. Rep....), wherein it was found by the Commission that prior to January 1, 1909, it had been the custom of respondents in those cases to have tallymen employed in checking carload package freight during loading and unloading on station team tracks to assist the shipper or consignee in loading or unloading, and that the carriers' action in discontinuing such assistance by tallymen on that date subjected shippers and consignees of carload package freight on station team tracks to large additional cost while not materially diminishing the operating cost of the carriers; and it was held by the Commission that under those conditions the action of the carriers discontinuing the provision of such assistance was unjust and unreasonable.

In this case it appears that while prior to January 1, 1909, assistance by tallymen or yardmen was furnished to some extent by the respondents in this case at Syracuse, the extent of the practice is not shown, nor does it appear that such assistance was by tallymen exclusively, nor that shippers and consignees have been by a discontinuance of the privilege subjected to large loss on state traffic. On the other hand, it does appear that many of the team tracks of respondents in Syracuse which are used for carload package freight are distant from the station, and are not station team tracks; that tallymen or other labor prior to January 1, 1909, were not furnished to assist in loading or unloading at such outlying team tracks; that the provision of assistance at station team tracks and not at outlying tracks (the latter exceeding in capacity that of the station tracks) will apparently result in undue preference to those using the station team tracks, and that provision of this service by tallymen would at Syracuse considerably increase the respondents' operating cost. The facts in this case are not substantially similar to those found material and controlling in Rochester and Troy. The principle applied in the Rochester and Troy cases is not one which can be or should be extended to all places regardless of wide differences in essential facts showing distinctions in track locations, prior custom, and cost. Now, upon consideration of the record as presented in this case, it is

Ordered: That the complaint in this proceeding be and is hereby held not sustained.

[Case No. 494]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of May, 1910.

Present:
Frank W. Stevens, Chairman,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of The New York Central and Hudson River Railroad Company, by D. R. McBain, assistant superintendent of motive power, as to exemption of certain engines from the terms of an order of this Commission dated April 1, 1909.

Whereas, A request has been received from The New York Central and Hudson River Railroad Company through a letter addressed to this Commission by its general attorney, Mr. Alexander S. Lyman, dated April 26, 1910, requesting that this Commission exempt the switch engine used by said company at Tupper Lake, and also the engines used by said company in ballast train service, from the terms of its order dated April 1, 1909, prescribing the conditions under which oil shall be used as fuel in the locomotives of said company in use in the Adirondack Forest Preserve; and

Whereas, The supervisor of equipment for this Commission has recommended, in a letter addressed to the Commission dated April 29, 1910, that the said company be permitted to use the switch engine at Tupper Lake as a coal burning engine, with the distinct understanding that this engine be not permitted outside the yard limits at Tupper Lake Junction under steam; and has further recommended that the request of said company for the exemption as recited above of its ballast train engines be not granted; and

Whereas, The Forest, Fish, and Game Commissioner, by letter to Commissioner Sague dated May 12, 1910, concurs in the above recommendations; it is

Ordered: That the request of The New York Central and Hudson River Railroad Company for the exemption by this Commission of its switch engine at Tupper Lake from the terms of the order above referred to be and it is hereby granted, on the condition that said engine be not permitted outside the yard limits of Tupper Lake Junction under steam.

It is further Ordered: That the request of said company for the exemption of the ballast train engines be and it hereby is denied.

[Case No. 570]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF TOWNS OF HANOVER AND SHERIDAN, Chautauqua county, *against* BUFFALO AND LAKE ERIE TRACTION COMPANY. Modified order.

In this matter the respondent, on the 27th day of May, 1910, filed a petition asking for a modification of the order made herein on the 13th day of January, 1909, requiring respondent to bring all of its cars to a full stop before crossing the public highway in the town of Hanover known as the Buffalo and Erie road at a point west of Silver Creek and north of Glenwood Cemetery. A public hearing was had on said petition at the office of the Commission in the city of Buffalo on the 3rd day of June, 1910, at 2 p. m., a notice of said hearing having been duly served on the attorney for the complainants May 27, 1910. At said hearing the complainants did not appear, and the respondent gave proof, showing to the satisfaction of the Commission that said order can be modified as hereinafter set forth with safety to the public traveling upon said highway; therefore it is

Ordered: That the aforesaid order be and hereby is modified as follows: 1. All eastbound cars shall come to a full stop before crossing the highway, and start to proceed only after the motorman has satisfied himself by inspection that it is safe to proceed; 2. That all westbound cars shall reduce speed before reaching said highway to not exceeding fifteen miles per hour, and shall not cross the highway at a greater speed; that in case any vehicle is within one hundred feet of the crossing and approaching the same at the time of the approach of the car, speed shall at once be reduced so that the car can be stopped in a car length.

It is further Ordered: That this order shall take effect upon the serving of a certified copy thereof upon the Buffalo and Lake Erie Traction Company, there having been filed with this Commission a stipulation by said company that this modified order may be vacated at any time, and the original order of January 13, 1909, may be reinstated in full force and effect without hearing by service of notice thereof by mail upon said company.

[Case No. 705]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Annual Report of ITHACA-CORTLAND TRACTION COMPANY.

Whereas, In the matter of the annual report of the Ithaca-Cortland Traction Company, an order was issued by this Commission on the 26th day of January, 1909, requiring the said Ithaca-Cortland Traction Company to make specific answer to certain questions concerning its annual report upon which the Commission desired information; and

Whereas, By reason of failure on the part of said company to comply with the terms of such order, the matter was placed in the hands of Counsel to the Commission for appropriate action; and it now being the opinion of Counsel that no good purpose would be served by enforcing the terms of said order in view of the fact that the Ithaca-Cortland Traction Company is non-operative.

Ordered: That the case be and it hereby is closed upon the records of the Commission.

[Case No. 1709]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Inspection, made July 27, 1909, of BUFFALO, ATTICA AND ARCADE RAILROAD.

Whereas, An inspection of the general physical condition of the Buffalo, Attica and Arcade railroad was made on July 27, 1909, by an inspector of this Commission who duly reported the result of said inspection and made certain recommendations for improvements in the condition of said road; and

Whereas, A copy of said inspection report was sent to the said Railroad company on October 15, 1909, addressed to Mr. C. W. Goodyear, president, with a letter asking if the recommendations made in said report would be complied with; and

Whereas, Several written communications have been sent by this Commission to said company requesting that the Commission be advised of the company's attitude upon the question of compliance with the recommendations named, which information has not been received from said company;

Ordered: That the Buffalo, Attica and Arcade Railroad Company is hereby required to show cause before this Commission, at its office in the Chamber of Commerce Building in the city of Buffalo, N. Y., on July 1, 1910,

at 10 o'clock in the forenoon, why it should not comply with the recommendations contained in said inspection report, copy of which report is annexed hereto and made a part hereof.

[Case No. 1710]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Report by CATSKILL MOUNTAIN RAILWAY COMPANY of engine failures.

Whereas, The report of engine failures submitted to this Commission by the Catskill Mountain Railway Company for the six months ending May 31, 1910, shows that no engine failures have occurred on said road during said period; and

Whereas, The said railroad is a single-track, narrow-gauge road, the main line of which is less than twenty miles in length, therefore, and upon the recommendation of the supervisor of equipment of this Commission dated June 9, 1910,

Ordered: That the Catskill Mountain Railway Company be and it is hereby exempted from the instructions of this Commission to file reports of engine failures as set forth in Circular No. 33, dated January 27, 1908.

[Case No. 1487]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of Reports by THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY of passenger train movements.

Ordered: That the matter of the reports by The Delaware, Lackawanna and Western Railroad Company of passenger train movements be and the same hereby is closed upon the records of this Commission, it appearing by a letter from A. Buchanan, jr., supervisor of equipment of this Commission, dated June 24, 1910, that he has personally checked corrected train reports which were filed by the company pursuant to this Commission's order dated March 17, 1910, and that in his opinion said corrected reports are correct.

[Case No. 1505]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of HENRY D. KIRKEVER and the CITY OF LACKAWANNA *against* BUFFALO SOUTHERN RAILWAY COMPANY as to condition of highway ditch or drain in the Abbott Road in said city.

On the papers and testimony taken herein, and also on the memorandum by Counsel Hale herewith attached,

Ordered: That the complaints herein be and hereby are dismissed on account of lack of jurisdiction on the part of the Commission.

[Case No. 1815]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of PETER TURNER, on behalf of himself and other residents of the village of Turner, Orange county, N. Y., *against* ERIE RAILROAD COMPANY as to changing the name of a station on its line from Turner to Harriman.

The above mentioned complaint having been received and filed.

Ordered: 1. That a copy of the same be forwarded to said Erie Railroad Company and that the matters complained of be satisfied by said company, or that the charges in said complaint be answered in writing within twenty days from the service upon said company of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of said company shall be filed with the Secretary of this Commission at Albany, and a copy of said answer shall be served by said company, either personally or by mail, upon Joseph T. Ryan, attorney complainant, at his office and postoffice address, 149 Broadway, New York city; that proof of such service shall be filed with the Secretary of this Commission, and attorney for complainant shall notify the Secretary of receipt of a copy of said answer.

[Case No. 1820]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the WESTCHESTER IMPROVEMENT ASSOCIATION *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to smoke and gas nuisance between Valhalla and the village of White Plains, Westchester county, N. Y., caused by the burning of soft coal in said company's engines.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to said The New York Central and Hudson River Railroad Company and that the matters complained of be satisfied by said company, or that the charges in said complaint be answered in writing within twenty days from the service upon said company of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of said company shall be filed with the Secretary of this Commission at Albany, and a copy of said answer shall be served by said company, either personally or by mail, upon Frank G. Brosemann, president of complainant, at his office and postoffice address, 144 Grand street, New York city; that proof of such service shall be filed with the Secretary of this Commission, and president of complainant shall notify the Secretary of receipt of a copy of said answer.

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22d day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, by Alexander S. Lyman, general attorney, as to exemption of the switching engine in use in the yard at Fulton Chain from requirements of order of this Commission dated April 1, 1909, as to use of oil as fuel in locomotives in the Adirondack Forest Preserves.

Whereas, The New York Central and Hudson River Railroad Company has by letter from A. S. Lyman, general attorney, requested this Commission to exempt its switching engine used in the yard at Fulton Chain from the requirements of the order made by the Commission on April 1, 1909, governing the use of coal and oil as fuel in locomotives in the Adirondack Forest Preserves, from April 15th to November 1st, during daylight hours; and

Whereas, The supervisor of equipment of this Commission has by letter addressed to the Commission dated July 18, 1910, recommended that said

company be permitted to use the switching engine in the yard at Fulton Chain as a coal burning engine; and

Whereas, The Forest, Fish, and Game Commissioner concurs in the above recommendations, it is

Ordered: That the request of The New York Central and Hudson River Railroad Company for the exemption by this Commission of the switching engine in use in the yard at Fulton Chain from the terms of the above mentioned order, be and it is hereby granted, on the condition that said engine be not permitted outside the yard limits at Fulton Chain.

[Case No. 1698]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of JOHN M. PETTEYS of Wallace, Steuben county, *against* ERIE RAILROAD COMPANY, asking that conveniences for loading live stock into cars be provided at Wallace on said company's railroad.

After due deliberation it is

Ordered: That the matter of the complaint of John M. Petteys of Wallace, Steuben county, N. Y., against the Erie Railroad Company, asking that conveniences for loading live stock into the cars of said company be provided, be and the same is hereby closed upon the records of this Commission, it appearing by a letter from the complainant dated July 25, 1910, received by this Commission July 26, 1910, that arrangements have been made which are satisfactory and that the further attention of the Commission in the matter is unnecessary.

[Case No. 1299]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the WESTCHESTER GRAIN COMPANY *against* THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, asking that said railroad company be required to deliver to and receive from complainant, at the switch track of Abendroth Brothers connecting with the tracks of said railroad company in said railroad company's freight yard at Port Chester, all freight cars consigned to or from complainant.

After due deliberation it is

Ordered: That the matter of the complaint of the Westchester Grain Company against The New York, New Haven and Hartford Railroad Company,

asking that said railroad company be required to deliver to and receive from complainant at the switch track of Abendroth Brothers at Port Chester, be and the same hereby is closed upon the records of this Commission, without prejudice to the complainant to renew the complaint at a future time if conditions warrant such action, it appearing by a letter from A. R. Wilcox, attorney for complainant, received by this Commission August 24, 1910, that such procedure will be satisfactory.

[Case No. 1568]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of JAMES H. PERRY AND BERTRAM PERRY *against* FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY as to sidetrack and switch connection.

Whereas, It appears from a letter of James H. Perry dated August 29, 1910, and received by this Commission on August 30, 1910, that the complaint in the above entitled matter has been adjusted between the parties and that the complainant is willing that the same should be closed upon our records; now therefore

Ordered: That the said case be and hereby is closed upon the records of this Commission.

[Case No. 1849]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the investigation by Inspector of Locomotive Boilers Robinson of an accident near Green Haven, N. Y., on May 13th last, to The New York, New Haven and Hartford Railroad Company's locomotive No. 214.

Whereas, In the matter of the investigation by Inspector of Locomotive Boilers Robinson of an accident near Green Haven, N. Y., on May 13th last, to The New York, New Haven and Hartford Railroad Company's locomotive No. 214; said railroad company was asked in a letter dated May 31, 1910, to furnish copies of the statements of the engineer, fireman, and brakeman of locomotive No. 214, and also copies of the engineer's work reports for ten days prior to the accident; and

Whereas, Said company in a letter dated June 18, 1910, replied as follows: "We prefer to have your representative examine our records and statements in regard to the explosion of locomotive No. 214, May 13th";

Ordered: That The New York, New Haven and Hartford Railroad Company be and it is hereby required to furnish to this Commission within ten days from date of service upon it of a certified copy of this order, copies of the statements obtained by the said company from the engineer, fireman, and brakeman who were on locomotive No. 214 at the time of the accident, and also copies of the engineer's work reports for ten days prior to the accident which occurred near Green Haven, N. Y., on May 13, 1910.

[Case No. 1341]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for an order authorizing it to dispense with the erection and maintenance of bridge-ticklers within the electric zone.

After due hearing and deliberation it is

Ordered: That the application of The New York Central and Hudson River Railroad Company for an order authorizing it to dispense with the erection and maintenance of bridge-ticklers within the electric zone, be and the same is hereby denied.

[Case No. 1493]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the CITY OF POUGHKEEPSIE BY JOHN K. SAGUE, MAYOR, *against* CENTRAL NEW ENGLAND RAILWAY COMPANY as to coal, oil, cinders, etc., dropping from bridges of said company into streets in said city.

After due deliberation it is

Ordered: That the complaint of the City of Poughkeepsie by John K. Sague, mayor, against the Central New England Railway Company as to coal, oil, cinders, etc., dropping from bridges of said company into the streets below, be and hereby is closed upon the records of this Commission, the engineer of grade crossings reporting that the company has complied with the recommendations contained in report to Commission.

[Case No. 1749]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of September, 1910.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the PUBLIC IMPROVEMENT ASSOCIATION OF THE VILLAGE OF HOOSICK FALLS *against* HOOSICK FALLS RAILROAD COMPANY as to renewal of track in certain streets in Hoosick Falls which are to be paved.

Whereas, The Public Improvement Association of the Village of Hoosick Falls, N. Y., has filed a complaint with this Commission asking that an order be made requiring the Hoosick Falls Railroad Company to immediately renew and re-lay the rails, ties, and equipment of said company in Classic street from High street to Abbott street, in Abbott street from Classic street to Parsons avenue, and in Parsons avenue from Abbott street to High street; and

Whereas, It appears from the proofs in the case that the Public Improvement Association of the Village of Hoosick Falls has been engaged in constructing a large amount of pavement in High street in said village, and that the said railroad company has been to a large expense in renewing its tracks and paying for the pavement in said High street between its tracks and two feet on each side thereof; and

Whereas, It further appears to the Commission that on account of the lateness of the season it will be practically impossible to do the work required before winter sets in, and to procure the special work in connection therewith and to lay the pavement asked for by the village in said streets; now therefore

Ordered: First, that the Hoosick Falls Railroad Company replace at once any ties necessary to make its tracks in the streets aforesaid safe for use during the winter season; second, that in the opinion of the Commission it is impracticable to make the improvements asked for before the winter season sets in, and if said improvements were attempted it would only result in the tearing up of the streets, leaving the same exposed during the winter season, and be a great additional expense to both the village and the street car company; third, that this proceeding remain open until he 1st day of April, 1911, and if at that time the said parties are unable to agree between themselves in relation to the matters complained of, this case be set down for a further hearing at some date subsequent to April 1, 1911.

[Case No. 1891]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of September, 1910.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the request of the WAYLAND PORTLAND CEMENT COMPANY for an extension of time from October 1, 1910, to January 1, 1911, within which to remove flues from locomotive boiler.

Whereas, This Commission did by letter dated November 4, 1909, extend the time to October 1, 1910, within which the flues of the locomotive boiler operated by the Wayland Portland Cement Company should be removed; and

Whereas, An application has been received for a further extension of this time; now therefore, after due deliberation, and upon the recommendation of G. P. Robinson, locomotive boiler inspector of this Commission,

Ordered: That said Wayland Portland Cement Company be and it hereby is granted an extension of time to and including January 1, 1911, within which to remove the flues from said locomotive boiler, in accordance with the regulations for boiler inspection as adopted by this Commission.

[Case No 1597]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of THE GENERAL ELECTRIC COMPANY *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE DELAWARE AND HUDSON COMPANY as to demurrage rules.

This case being at issue upon complaint and answers on file, and hearing having been duly had and the matters and facts involved herein having been fully considered,

It is Ordered: That respondents, The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company, be and they severally are hereby directed and required to cease and desist on or before the 20th day of October, 1910, from thier present practice of charging, demanding, collecting, and receiving demurrage on private cars owned by complainant, The General Electric Company, after such loaded cars have been removed by complainant from the interchange track at or near its plant in Schenectady by its own locomotive or other power upon its own private tracks, which said practice is found and hereby declared by the Commission to be unlawful.

It is further Ordered: That said respondents, The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company, shall each of them submit to the Commission for its approval, on or before the 10th day of October, 1910, an amendment of its demurrage tariff rules designed

to eliminate from such rules any requirement of demurrage on private cars under load after removal of such loaded cars from the interchange track by the owner of such cars by its own locomotive or other power upon its own tracks.

It is further Ordered: That upon the submission of such amendment to said demurrage rules as hereinabove provided further order shall be entered as appears to the Commission necessary in the premises.

[Case No. 1741]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Application of the NEW YORK AND STAMFORD RAILWAY COMPANY for permission to build two turnouts in the village of Mamaroneck and for approval of plans therefor.

Whereas, The New York and Stamford Railway Company by its petition herein prays approval of the location of two proposed turnouts, five hundred feet each in length, for its single-track line in the village of Mamaroneck, one to be located on Railroad avenue and the other on Palmer avenue in that village; and

Whereas, It appears that the company has authority under a franchise which it is exercising to construct these turnouts; and it further appears to the Commission that the approval of the Commission as to the construction or location of the turnouts need not be applied for by the petitioner, although it appears to the Commission from a report of its inspector that these turnouts should be properly located and constructed; it is

Ordered: That since the petition merely applies for permission to build two turnouts and for approval of the plans therefor, no action by the Commission is necessary or required, and for that reason the petition as framed be and it is hereby denied.

[Case No. 1900]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of a report dated October 4, 1910, of the Electric Railroad Inspector, relative to a trestle on the Penn Yan, Keuka Park and Branchport Railway.

Whereas, The report of C. R. Barnes, electric railroad inspector, dated October 4, 1910, and of J. W. Andrews, assistant inspector, dated September

28, 1910, shows that the trestle of the Penn Yan, Keuka Park and Branchport railway near the Branchport terminal is in poor condition; and

Whereas, The said company was ordered to show cause before this Commission on October 10, 1910, why said trestle should not be reconstructed or be replaced by a steel structure, and said order was duly received by said company but no appearance was made on the return thereof; now therefore

Ordered: That the Penn Yan, Keuka Park and Branchport Railway Company be and it is hereby ordered and directed to at once place said structure in a temporarily safe condition.

Further Ordered: That said company at once prepare plans for a suitable steel structure to replace said trestle and submit the same to this Commission within 30 days for approval.

[Case No. 1597]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of THE GENERAL ELECTRIC COMPANY *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE DELAWARE AND HUDSON COMPANY as to demurrage rules.

The respondents in this proceeding having, pursuant to the order entered by the Commission herein on the 29th day of September, 1910, submitted proposed amendments of their demurrage tariff rules, with a view to the elimination from such rules of any requirement for demurrage on private cars under load after removal of such cars from the interchange track by the owner of such cars; and said proposed amendments having been fully considered, it is now, after consideration,

Ordered: That respondents, The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company, be and they severally are hereby notified and required, on or before the 20th day of October, 1910, to amend the "Note" in rule 1 of their demurrage rules in effect April 1, 1910, so that the same shall read as follows:

Note: Private cars while in railroad service, whether on carrier's or private tracks, are subject to these demurrage rules to the same extent as cars of railroad ownership.

(Empty private cars are in railroad service from the time they are placed by the carrier for loading or tendered for loading on the orders of a shipper. Private cars under lading are in railroad service until the lading is removed and cars are regularly released, except as hereinafter specified. Cars which belong to an industry performing its own switching service are in railroad service from the time they are placed by the industry upon designated interchange tracks and thereby tendered to the carrier for movement. If such cars are subsequently returned empty they are out of service when withdrawn by the industry from the interchange; if returned under load such cars are out of railroad service when withdrawn from the interchange by the owning industrial company and taken by such company upon its exclusively owned and operated tracks.)

It is further Ordered: That respondents, The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company, have leave to put said amendment to their demurrage rules in force on one day's notice to the Commission and the public. The amending tariff shall bear the following notation:

Issued on one day's notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date October 11, 1910, in Case No. 1597.

[Case No. 1802]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of J. HENRY DEANE, supervisor of the Town of Catskill, *against* CATSKILL TRACTION COMPANY.

After due deliberation it is

Ordered: That the matter of the complaint of J. Henry Deane, supervisor of the Town of Catskill, against the Catskill Traction Company, as to dangerous conditions of track, be and the same hereby is closed upon the records of this Commission, the Department of Highways of the State of New York having undertaken to place a 10-inch pipe between the bed of the roadway and the tracks of the Catskill Traction Company for drainage purposes; and it appearing by letter from W. C. Wood, president of the Catskill Traction Company, dated October 10 and received October 13, 1910, that the pipe in question is now being installed and that the company is making arrangements to place gradings along the track to drain into said pipe.

[Case No. 1934]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of credits to "Passenger Revenue" account by BUFFALO, LOCKPORT AND ROCHESTER RAILWAY COMPANY.

After due deliberation it is

Ordered: That permission be and hereby is given to the Buffalo, Lockport and Rochester Railway Company to credit directly to its "Passenger Revenue" account the amounts received from the sale of certain commutation tickets given for transportation between stations on its line, the tickets being those known as "School Commutation Books," good for forty-six (46) rides, and "Commutation Ticket Books," good for fifty-four (54) rides, within thirty (30) days of date of sale.

[Case No. 1753]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF WATER STREET, UTICA, *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY as to annoyances by standing locomotive engines.

Whereas, A complaint was filed with this Commission, signed by sixteen residents of Water street in the city of Utica, N. Y., alleging that the New York, Ontario and Western Railway Company was storing its locomotives outside of its roundhouse, and that smoke and ashes were continually emitted from said locomotives and cast into the dwellings of those residing on said street; and

Whereas, A public hearing upon said complaint was held at the city of Utica, N. Y., on the 16th day of September, 1910; and it appeared from the evidence that during the summer and fall of 1910 said railway company was storing locomotives upon its tracks outside of the roundhouse during the night, due to the fact that it had purchased larger engines than it could turn upon its turntable; and

Whereas, It now appears that said turntable has been enlarged and that said company can store its locomotives in its roundhouse; now therefore

Ordered: 1. That the New York, Ontario and Western Railway Company be and it is hereby directed to house in its roundhouse at Utica, N Y., all of its locomotives as soon as the same can be conveniently cleaned and coaled; and that in case any extra locomotive should be in said yards over night which it is unable to place in its roundhouse, that the same be stored upon the track furthest north on its property.

Ordered: 2. That the said company be and it is hereby directed to use the utmost care in keeping its premises around its roundhouse clean and free from piles of ashes and coal; that the coal before being unloaded from the cars to the locomotives be sprayed, and that the ashes in its ashpit be also sprayed before the same are loaded into cars for removal.

Ordered: 3. That the operation of the engines in said roundhouse yards be made with the least possible noise, and that the said engines be cleaned and stored in the roundhouse at the earliest possible hour in the evening.

[Case No. 1945]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of passenger train movement reports by the New York, Ontario and Western Railway Company as to certain passenger trains.

After due deliberation it is

Ordered: That the New York, Ontario and Western Railway Company be and hereby is exempted from reporting the following trains on Passenger Train Movement Report (Form No. 83), exemption to take effect immediately:

Northern Division: trains Nos. 13, 14, and 40 on the main line; trains Nos. 183 and 184 on the Rome branch; trains Nos. 173, 174, and 178 on the New Berlin branch.

Southern Division: trains Nos. 9, 10, 11, and 12 on the main line; trains Nos. 165 and 166 on the Delhi branch; trains Nos. 442 and 443 of the Port Jervis, Monticello and Kingston district.

Utica Division: trains Nos. 59 and 60 on the main line.

Scranton Division: trains Nos. 1, 2, 9, and 10 on the main line.

[Case No. 1858]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the PRESIDENT AND TRUSTEES OF THE VILLAGE OF HOMER, Cortland county, *against* CORTLAND COUNTY TRACTION COMPANY as to paving in said village.

Ordered: That case No. 1858, the complaint of the President and Trustees of the Village of Homer against Cortland County Traction Company, be closed, the president of the Village advising under date of October 26th that the company has satisfied the complaint pursuant to the direction of the Commission given at the hearing September 15, 1910.

[Case No. 1900]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of a report dated October 4, 1910, of the Electric Railroad Inspector relative to a trestle on the Penn Yan, Keuka Park and Branchport railway.

In the matter of the Penn Yan, Keuka Park and Branchport Railway Company, this Commission having made an order returnable on the 10th day of October, 1910, requiring said railroad company to show cause why a trestle upon its line should not be reconstructed or replaced: and it appearing by a letter from said company dated November 1, 1910, that they have placed said trestle in a temporary safe condition and propose to install a new wooden trestle in the place thereof; it also appearing from a communication of C. R. Barnes, electric railroad inspector, dated November 3, 1910, that the plans for said trestle had been examined by Mr. Sutermeister and that the same provided for a suitable structure, and Mr. Barnes having in his communication also recommended that said structure would be sufficient; now therefore it is

Ordered: That this Commission hereby approves of the plans for said structure filed with this Commission on the 2d day of November, 1910, and that upon the erection of said trestle by the said company that the order made by this Commission requiring them to prepare plans for a steel structure be modified accordingly.

[Case No. 1931]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of VALENTINE JACOBS *against* ERIE RAILROAD COMPANY as to condition of farm crossing, including a bridge on complainant's farm, one mile west of Webster, on the Rochester division.

Ordered: That the matter of the complaint of Valentine Jacobs against the Erie Railroad Company as to condition of farm crossing, including a bridge on complainant's farm, one mile west of Webster, on the Rochester division, be and the same hereby is closed upon the records of this Commission, it appearing by a letter written by complainant, Valentine Jacobs, dated November 2, 1910, received by this Commission November 4, 1910, that the crossing has been made satisfactory by the respondent.

[Case No. 1849]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of an investigation by Inspector of Locomotive Boilers Robinson of an accident near Green Haven, N. Y., on May 13, 1910, to The New York, New Haven and Hartford Railroad Company's locomotive No. 214.

Whereas, In the above entitled matter this Commission did on the 6th day of September, 1910, enter an order directing and requiring The New York, New Haven and Hartford Railroad Company to furnish to this Commission copies of statements obtained by the company from the engineer, fireman, and brakeman who were on locomotive No. 214 at the time of the accident near Green Haven, N. Y., on May 13, 1910, and also copies of the engineer's work reports for ten days prior to said accident; and

Whereas, The New York, New Haven and Hartford Railroad Company has furnished all copies as required by the terms of said order; now therefore

Ordered: That the matter be and hereby is closed upon the records of this Commission.

[Case No. 894]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of PETER L. MCENTEE *against* ERIE RAILROAD COMPANY as to switch and sidetrack connections.

The complainant in the above entitled case having filed a complaint in which an order was asked for directing the Erie Railroad Company to construct a switch and make a switch connection; and hearing having been had in said matter, and the Erie Railroad Company, through its vice-president, Mr. J. C. Stuart, having on the 2d day of November, 1910, agreed to construct said switch and siding on the terms mentioned in said letter; and complainant having by letter dated November 23, 1910, signified his acceptance of the terms of said letters; now therefore it is

Ordered: That the case be and hereby is closed upon the records of this Commission, with the right of complainant to reopen said case at any time if the terms contained in said letters are not carried out.

[Case No. 718]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of ROBERT J. REIDPATH *against* THE PENNSYLVANIA RAILROAD COMPANY and THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY as to protection at a joint trestle of said railroads over Big Sister creek, at Angola.

The complainant herein having brought to the attention of the Commission in a letter dated January 27, 1909, that there exists on the joint line of the Pennsylvania and Nickel Plate railroad at Angola, N. Y., a dangerous condition in regard to the wooden trestle about 600 feet long over Big Sister creek, due to the fact that the station at Angola, which is a joint station of the Pennsylvania and the Nickel Plate railroad, is situated about 200 feet west of the trestle, so that on occasions passenger trains halting at the station stop in such a manner that one or more of the cars is located on the trestle at the time of stopping: and several hearings thereon having been had at which *Frank Rumsey, esq.*, appeared for The Pennsylvania Railroad Company, and *Hoyt & Spratt* for The New York, Chicago and St. Louis Railroad Company, and *Ulysses S. Thomas* for the complainant; and the respondents herein having admitted that the situation existing at the present time is dangerous, and having consented and suggested that certain rules of operation be adopted by the respective railways respondent herein; now, after due deliberation, it is

Ordered: 1. That the respondent The New York, Chicago and St. Louis Railroad Company is hereby directed to forthwith promulgate and enforce an order providing that no portion of any passenger train shall stop on the bridge over Big Sister creek at Angola, N. Y.; that on all westbound passenger trains required to stop at Angola the flagman must be on the rear end of the rear car on the north side and give stop signal by hand or lamp in rear of the car nearest the bridge; engineers must proceed and not stop until they shall receive such signal from the rear brakeman.

Ordered: 2. That The Pennsylvania Railroad Company is hereby directed to forthwith provide twelve car-marker boards to be located on the easterly side of the main track of said company at Angola, N. Y., on the so called southerly side of said trestle, and so placed as to indicate to the engineman in charge of passenger train locomotives where each southbound passenger train shall stop when making stops at said Angola station in order to clear said trestle entirely.

Ordered: 3. That said car-marker boards shall be illuminated at night, and shall be spaced 70 feet apart; they shall be numbered from zero up to eleven, running southerly from the said trestle, and the board numbered zero shall be placed at least 50 feet southerly from the southerly end of the trestle measuring along the center line of the track.

Ordered: 4. That The Pennsylvania Railroad Company is hereby directed to forthwith issue an order prohibiting the use by southbound passenger trains of the water plug located on the easterly line of the tracks of said company, and a further order to the proper employees of said company prohibiting the stopping of southbound passenger trains in any manner so that the rear ends thereof shall be north of the car-marker board numbered zero.

Ordered: 5. That The Pennsylvania Railroad Company and The New York, Chicago and St. Louis Railroad Company are hereby directed to join in

extending, and to as soon as practicable extend, the station platform 345 feet southerly, in order to provide sufficient platform space for southbound trains of maximum length under conditions where the rear ends of said trains stop entirely clear of said bridge, said extension platform to be located between the main tracks of the two respondent railroad companies.

Ordered: 6. That The Pennsylvania Railroad Company and The New York, Chicago and St. Louis Railroad Company are hereby directed to submit to this Commission copies of the orders hereinbefore described as soon as the same shall have been promulgated and put in force.

[Case No. 1709]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of inspection made July 27, 1909, of Buffalo, Attica and Arcade Railroad.

Whereas, The suggestions and recommendations of this Commission in the matter of the inspection made July 27, 1909, of the Buffalo, Attica and Arcade railroad are being carried out with reference to physical condition and operation of the said Buffalo, Attica and Arcade Railroad Company; and

Whereas, The steps which are being taken are under the observations of an inspector of this Commission;

Ordered: That the case be and the same is hereby closed upon the records of this Commission.

[Case No. 1301]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of FLORIDA GRANGE NO. 1053 of Florida, Orange county, *against* ERIE RAILROAD COMPANY, operating the Goshen and Deckertown railway, and LEHIGH AND NEW ENGLAND RAILROAD COMPANY.

Whereas, In the investigation of the above named complaint it appears that respondent, Erie Railroad Company, operates trains on the Goshen and Deckertown railway, otherwise known as the Pine Island branch, from Pine Island to Goshen by locomotive in the usual hauling position, but that in the opposite direction, Goshen to Pine Island, the position of the locomotive on

such trains is not changed and that the trains are operated by locomotive running backward and pushing such trains; and

Whereas, Such backward operation of trains is not in the interest of public safety; and it appears that the operation of trains in both directions by locomotive in the usual hauling position over said branch may be effected by the installation of a turntable or wye at the Pine Island terminal thereof, it is

Ordered: 1. That the respondent, Erie Railroad Company, be and is hereby directed to install a turntable or wye at the Pine Island terminal of the Goshen and Deckertown railway, otherwise known as the Pine Island branch of the Erie Railroad, on or before the 1st day of May, 1911, in order that the operation of trains in both directions by locomotive in the usual hauling position over said branch may be accomplished.

Ordered: 2. That this order shall take effect upon the service of a certified copy thereof upon said Erie Railroad Company.

Ordered: 3. That said Erie Railroad Company shall notify this Commission on or before Monday, January 16, 1911, whether the terms of this order are accepted and will be obeyed.

[Case No. 1612]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the matter of the Complaint of C. M. BOORN of Seward, Schoharie county, *against* THE DELAWARE AND HUDSON COMPANY, asking for sidetrack and switch connection.

Ordered: That the matter of the complaint of C. M. Boorn of Seward, Schoharie county, N. Y., against The Delaware and Hudson Company, asking for a sidetrack and switch connection, be and the same hereby is closed upon the records of this Commission, it appearing by a letter from the complainant dated December 26, 1910, received by this Commission December 27, 1910, that the respondent company has leased to the complainant certain property and has extended an existing siding, which arrangement satisfies this complaint.

APPENDIX K

In the Matter of Express Rates and Service by Express Companies.

APPENDIX K

[Case No. 1452]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the BUSINESS MEN'S ASSOCIATION OF AVOCA, Steuben county, *against* WELLS FARGO AND COMPANY EXPRESS as to failure to establish a pick-up and delivery business for express matter.

After due deliberation it is

Ordered: That the matter of the complaint of the Business Men's Association of Avoca, Steuben county, N. Y., against the Wells Fargo and Company Express as to failure to establish a pick-up and delivery service of express matter, be and hereby is closed upon the records of the Commission, it appearing by letter from D. D. Davis, secretary of the complainant association, dated February 17, 1910, and received by this Commission February 18, 1910, that the desired service has been established by both the Wells Fargo and United States express companies.

[Case No. 1541]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF HOLCOMB AND EAST BLOOMFIELD, Ontario county, *against* AMERICAN EXPRESS COMPANY as to discontinuance of free delivery and collection service.

After due deliberation it is

Ordered: That the matter of the complaint of residents of Holcomb and East Bloomfield, Ontario county, against American Express Company as to discontinuing of free delivery and collection service be and hereby is closed upon the records of this Commission, it appearing by letter from Mr. F. A. Jones, representing the complainants, dated April 4, 1910, and received April 5, 1910, that the respondent has reëstablished the free delivery as demanded

in the complaint herein, and that the present satisfactory arrangement makes unnecessary any further action on the part of the Commission.

[Case No. 1547]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of SIMPSON-CRAWFORD COMPANY of New York *against* THE LONG ISLAND RAILROAD COMPANY, operating the Long Island Express.

After due deliberation it is

Ordered: That the matter of the complaint of Simpson-Crawford Company of New York against The Long Island Railroad Company, operating the Long Island Express, be and hereby is closed upon the records of this Commission, it appearing by letter dated April 9, 1910, and received April 12, 1910, and signed jointly by Messrs. Rose & Putzel, attorneys for complainant, and Joseph F. Keany, attorney for respondent, that The Long Island Railroad Company has arranged its rates satisfactorily to the complainant, and that there is no further necessity for action on the part of the Commission.

[Case No. 572]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of MERCHANTS DOING BUSINESS IN REXFORD FLATS, CLIFTON PARK CENTER, AND VISCHER FERRY, Saratoga county, *v.* ELECTRIC EXPRESS COMPANY as to express rates.

After due deliberation it is

Ordered: That the matter of the complaint of merchants doing business in Rexford Flats, Clifton Park Center, and Vischer Ferry, Saratoga county, against Electric Express Company as to express rates, be and the same hereby is closed upon the records of this Commission, the reductions in rates having been made by the respondent company; and it also appearing by letter from LeGrande Rexford, representative of the complainants, that further action on the part of the Commission is not desired.

[Case No. 1012]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint and amended complaint of SYRACUSE TRAFFIC BUREAU *v.* AMERICAN EXPRESS COMPANY, NATIONAL EXPRESS COMPANY, ADAMS EXPRESS COMPANY, THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, and the NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY.

After due deliberation it is

Ordered: That the complaint and amended complaint of the Syracuse Traffic Bureau against the American Express Company, the National Express Company, the Adams Express Company, The New York Central and Hudson River Railroad Company, and the New York, Ontario and Western Railway Company be and the same is hereby closed upon the records of this Commission, it appearing by a communication from Frank Barry, secretary of the Syracuse Traffic Bureau, dated June 6, 1910, received June 7, 1910, that the complainant desires to withdraw the complaint and amended complaint with a view of re-submitting the matter at a later date.

[Case No. 1273]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of PHILO N. BEEBE AND OTHERS *against* ELECTRIC EXPRESS COMPANY and UNITED TRACTION COMPANY.

Whereas, In the matter of the complaint of Philo N. Beebe and others against the Electric Express Company and United Traction Company for an alleged violation of an order of this Commission, a hearing was held October 6, 1909, at which William J. Leonard appeared for the complainants and L. E. Carr for the respondents; and

Whereas, It appeared at that time that the order referred to as having been violated by a discontinuance of a pick-up and delivery service, simply established a rate but did not command the respondents to furnish a wagon service of any nature, and by reason thereof the matter of the discontinuance of said pick-up and delivery service was not on the said 6th day of October, 1909, and never had been at any time previous thereto, before the Commission for a determination; and it being the opinion of the Commission that the question of the power of the Commission to make a decision as to the right of the respond-

ents to discontinue the aforesaid service is one of law; and Mr. Leonard, representing the complainants, having been requested to confer with his clients and thereafter advise the Commission as to the desirability of advancing the case to a hearing, and nothing having been received from Mr. Leonard in the premises, it is

Ordered: That the matter be and hereby is closed upon the records of this Commission, without prejudice to the complainants to ask to reopen the same for further hearing.

[Case No. 1748]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of patrons of the American Express Company in the village of East Rochester against said company, asking for free delivery and pick-up service in said village.

After due deliberation it is

Ordered: That the matter of the complaint of patrons of the American Express Company in the village of East Rochester, N. Y., against said Company, asking for free delivery and pick-up service in said village, be and the same hereby is closed upon the records of this Commission, it appearing by a letter from A. H. Bown, representing complainants, dated September 13, 1910, and received by this Commission September 15, 1910, that the American Express Company has established the desired service, and that the complainants are therefore willing that the case should be dismissed.

[Case No. 1930]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of ROBERT J. HEARNE of Good Ground, L. I., *against* THE LONG ISLAND RAILROAD COMPANY, as to failure to deliver and collect express matter in the Squiretown and South Bar districts of Good Ground.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to said The Long Island Railroad Company, and that the matters complained of be satisfied by said company or that the charges in said complaint be answered in writing within

ten days from the service upon said company of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of said company shall be filed with the Secretary of this Commission at Albany, and a copy of said answer shall be served by said company, either personally or by mail, upon Robert J. Hearne, complainant, at his postoffice address, Good Ground, N. Y.; that proof of such service shall be filed with the Secretary of this Commission, and complainant shall notify the Secretary of receipt of a copy of said answer.

[Case No. 1936]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

William Wood Coddington, complainant, *against* American Express Company, respondent, as to pick-up and delivery service to complainant's residence in Syracuse.

Ordered: That the matter of the complaint of William Wood Coddington against the American Express Company be and the same is hereby closed upon the records of this Commission, it appearing by a letter from Mrs. William Wood Coddington, acting for the complainant, dated December 2, 1910, and received by this Commission December 3, 1910, that the extension by the respondent of its delivery limits in the city of Syracuse to include the district covered by the complaint herein, constitutes a satisfactory adjustment of the matter.

APPENDIX L

In the Matter of Rates, Reports, and Service by Telegraph and Telephone Corporations.

APPENDIX L

[Case No. 2055]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

Ordered: That each and every telephone corporation subject to the jurisdiction and under the supervison of this Commission be and it is hereby directed and required to file with this Commission a copy of each and every directory of its subscribers and patrons which was in use by it on the 1st day of September, 1910, such directories to be filed on or before the 1st day of October, 1910. That each and every such corporation be and it is hereby directed to file from time to time with this Commission a copy of each and every such directory as it may hereafter issue or may have issued since September 1, 1910, such filing to be made immediately upon the issue of such directory.

[Case No. 2056]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

Whereas, Under the orders of this Commission all of the corporations subject to its control are required to make reports as to all accidents happening in connection with the operation of the work of said corporations; and

Whereas, The same reports should be required of all telegraph and telephone companies; now therefore

Resolved, That the form of report prepared by the Secretary be and is hereby adopted as the form to be submitted by telegraph and telephone companies in connection with any accident happening in the operation of their plants, and that copies of said forms be sent to said companies for their use; further

Resolved, That all telegraph and telephone companies under the jurisdiction of this Commission be and they hereby are directed, upon the happening of any accident in connection with the operation of their properties, to make a report to this Commission upon blanks to be submitted to them.

[Case No. 1939]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of requiring specific answers by the NEW YORK TELEPHONE COMPANY to certain questions of this Commission.

After due deliberation it is

Ordered: That the New York Telephone Company be and is hereby required to file with this Commission on or before the 1st day of November, 1910, a schedule or statement which shall show the number of pay stations operated at this date by the New York Telephone Company within the city of New York, together with the gross earnings received from the same. This statement shall show separately by the districts as adopted by the New York Telephone Company and by classification as shown in its schedule of tariffs filed with the Commission —

1. The number of standard pay stations: (*a*) monthly guarantee, (*b*) annual guarantee, (*c*) non-guarantee, together with the gross earnings of each class;

2. The number of automatic pay stations: (*a*) daily guarantee, (*b*) annual guarantee, (*c*) non-guarantee, together with the gross earnings of each class;

3. The approximate number of each type of automatic pay station device in use in each district, together with the usual name and a general description of each of the types of automatic pay station device;

4. The different classes of locations in which pay stations are now established, *i. e.* stores, hotels, railroad stations, apartment houses, boarding houses, public or semi-public hallways or office buildings, private offices, residences, etc., together with the relative number in each class and whether standard pay stations or automatic pay stations.

[Case No. 1971]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

Ordered: That each and every telephone corporation subject to the jurisdiction and under the supervision of this Commission file with this Commission on or before the 1st day of December, 1910, schedules showing all rates, rentals, and charges for service of each and every kind by or over its line or lines between points in this State, and between each point upon its line and all points upon every line leased or operated by it and all points upon the line of any other telephone corporation whenever a through service or joint rate shall have been established between any two points. If no joint rate over a

through line has been established, the several corporations in such through line shall file the separately established rates and charges applicable where through service is afforded.

Such schedules shall plainly state the places between which telephone service will be rendered, and shall also state separately all charges and all privileges or facilities granted or allowed, and any rules or regulations or forms of contract which may in anywise change, affect, or determine any or the aggregate of the rates, rentals, or charges for the service rendered.

Such schedules shall (1) be printed in plain, legible type on paper eight inches by eleven inches in size. Typewritten schedules which have already been filed will be temporarily accepted, but printed schedules must be substituted therefor at any time to be hereafter fixed by the Commission; (2) conform in all respects to the requirements of section 92 of the Public Service Commissions Law.

Where joint rates over a through line or lines have been established by two or more corporations, arrangements may be made between such corporations for the single printing and filing of such joint rates by one corporation, and the other corporation may concur in the same, but no corporation will be excused from filing such joint rates because of alleged inability to make such arrangement; and in addition to the joint rates that may be covered by concurrence, each corporation shall file all other or local rates and charges as provided by law.

No particular form for said schedules is at this time prescribed, the Commission reserving the right to prescribe such form and the filing of new schedules pursuant thereto after study and examination of the schedules filed pursuant hereto.

No particular form of concurrence is at this time prescribed except that each concurrence must clearly refer to the particular schedule concurred in and must be signed by proper officer of the corporation, the Commission reserving the right to prescribe the particular form of concurrence hereafter to be adopted.

[Case No. 1972]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:

FRANK W. STEVENS, Chairman.
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

Ordered: That each and every telephone corporation subject to the jurisdiction and under the supervision of this Commission shall file with this Commission on or before the 15th day of November, 1910, schedules which shall show by each exchange separately those of its patrons or subscribers which on this date are receiving telephone service of any character at rates or charges which vary or differ in any respect from the standard rates adopted and now in force by said telephone corporation for contracting for new business.

Such schedule shall (1) be typewritten on paper eight inches by eleven inches in size; (2) give (*a*) the name and address of each patron or subscriber, (*b*) the rate charged, (*c*) the standard rate, (*d*) the date on which the contract expires or is terminable by the telephone corporation; (3) be classified with regard to "business," "residence," "physicians," etc., or other general classification which shall conform to the respective standard rate schedules of each corporation.

[Case No. 1942]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the AUBURN TELEPHONE COMPANY for authorization to issue bonds, under section 101 of the Public Service Commissions Law.

It appears by the petition of the Auburn Telephone Company in this matter, filed on the 26th day of October, 1910, that said company has executed to the United States Mortgage and Trust Company of New York, its certain indenture of mortgage dated November 2, 1903, to secure an authorized issue of $200,000 par value of bonds of said company, of which there have been issued and are outstanding bonds to the face or par value of $173,000. That all of said bonds are of the denomination of $1000 each, and that it is the wish of the said Auburn Telephone Company and of the holders of certain of said bonds that provision be made for the substitution thereof, by an issue in lieu thereof and in exchange therefor, of a like aggregate amount in principal of bonds each of the par value of $100. That a meeting of the directors of the company was held on the 28th day of September, 1910, at which meeting a resolution was presented and unanimously adopted to the effect that an issue of consolidated first mortgage 5 per cent gold bonds of the company under the mortgage aforesaid, of the aggregate amount of $200,000, be divided into two denominations of $100 and $1000 respectively, and that the holders of said bonds of the denomination of $1000 be given an opportunity to exchange their bonds for bonds of the denomination of $100. That at the annual meeting of the stockholders of said company held September 28, 1910, at which a majority in interest of all the outstanding stock of the company was represented, the action of the board of directors in adopting the aforesaid resolution was ratified and approved, and the officers of the company were directed and empowered to do all acts necessary or proper to carry the said resolution into effect. That the petitioner desires to execute to the United States Mortgage and Trust Company, trustee under the aforesaid mortgage dated November 2, 1903, a supplemental indenture as additional security for the bonds of the denomination of $100, issued under the same, in exchange for the bonds of the denomination of $1000, a copy of which supplemental indenture is attached to the aforesaid petition filed herein and marked Exhibit D. Now therefore

Ordered: 1. That this Commission hereby consents and approves that an issue of consolidated, first mortgage 5 per cent gold bonds of the Auburn Telephone Company, secured by its mortgage dated November 2, 1903, to the United States Mortgage and Trust Company, trustee, of the aggregate principal amount of $200,000, be divided into two denominations of $100 and $1000 respectively, the bonds of the denomination of $100 to be substantially of the same purport and effect as the bonds of the denomination of $1000, with unmatured coupons thereunto appertaining, commencing with November 1, 1910. That the holders of the bonds of the denomination of $1000 be given an opportunity to exchange their said bonds for bonds of the denomination of $100. That the company execute a supplemental indenture to the United States Mortgage and Trust Company as trustee, substantially of the same purport and effect as the supplemental indenture attached to the petition herein and marked Exhibit D.

Ordered: 2. That this Commission hereby authorizes the issuance of said bonds of the denomination of $100 in exchange for a like amount par value

of bonds of the denomination of $1000 now lawfully outstanding and constituting a valid and lawful indebtedness of the said company, upon condition that the bonds of $1000 denomination for which said exchange shall be made shall at the time of the issuance of the said bonds for the denomination of $100 be delivered up and surrendered to the United States Mortgage and Trust Company as trustee, to be held and disposed of as provided by the proposed supplemental indenture a copy of which is annexed to the petition and forms a part of Exhibit C.

Ordered: 3. This authorization is upon the express condition that no bond whatsoever shall be issued under and pursuant to this authorization except in exchange for a like amount in the aggregate par value of bonds of $1000 denomination, as hereinbefore provided. That in the opinion of the Commission the bonds of $100 denomination to be issued pursuant to the terms of this order are reasonably required for the purposes specified herein, and that said purposes are in no part reasonably chargeable to operating expenses or to income.

Ordered: 4. That said Auburn Telephone Company shall make to this Commission verified report at the expiration of each and every period of three months, of each and every exchange of bonds which has been made during said period, pursuant to the terms of this order, until the outstanding bonds to the full amount of $173,000, of the denomination of $1000 each, have been fully exchanged.

[Case No. 1965]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2d day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

Whereas, It is essential that this Commission have certain data as to the equipment used at all telephone exchanges in order that records may be established; and

Whereas, These records can not be delayed until the information may be gathered from an annual report;

Ordered: That each and every telephone corporation subject to the jurisdiction and under the supervision of this Commission file with this Commission on or before the 10th day of December, 1910, a special report on the form prepared by the Chief of Division of Telegraphs and Telephones, which form is hereby adopted, which shall show each central office or exchange within the State of New York, together with a brief description of the equipment in use therein.

[Case No. 1962]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of ERNEST A. KELLY of Port Ewen, Ulster county, *against* NEW YORK TELEPHONE COMPANY as to alleged refusal to furnish telephone service under certain circumstances.

Ordered: That the matter of the complaint of Ernest A. Kelly of Port Ewen, Ulster county, against the New York Telephone Company as to alleged refusal to furnish telephone service under certain circumstances, be and the same hereby is closed upon the records of this Commission, it appearing by a letter from Arthur C. Connelly, attorney for the complainant, dated November 11, 1910, and received by this Commission November 12, 1910, that the respondent has complied with the complainant's request for service and that the proceedings herein may be discontinued.

[Case No. 2045]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the NEW YORK TELEPHONE COMPANY for consent to merge the Empire State Telephone and Telegraph Company in the manner provided by section 15 of the Stock Corporation Law.

Whereas, The petition in the above entitled matter shows that the New York Telephone Company is a domestic corporation organized and existing under and by virtue of the Transportation Corporations Law of the State of New York, and that the Empire State Telephone and Telegraph Company is a domestic corporation incorporated under the provisions of chapter 265 of the laws of 1848, entitled "An act to provide for the incorporation and regulation of telegraph companies"; and it further appearing by said petition that the Empire State Telephone and Telegraph Company, in manner authorized by section 104 of the Transportation Corporations Law, sold and conveyed all its property, rights, and franchises except its franchise to be a telephone corporation to the Central New York Telephone and Telegraph Company, also a corporation organized under the provisions of said chapter 265 of the laws of 1848; and it further appearing by said petition that thereafter the New York Telephone Company merged said Central New York Telephone and Telegraph Company in the manner provided by section 15 of the Stock Corporation Law, and thereby acquired all of the property, rights, privileges, and franchises formerly belonging to the Empire State Telephone and Telegraph Company, at

which time the issue in outstanding capital stock of the said Empire State Telephone and Telegraph Company was and now is $200,000, consisting of 2000 shares of the par value of $100 each, which said stock became the property of the New York Telephone Company by virtue of the above mentioned transaction, but that since said sale the said Empire State Telephone and Telegraph Company has maintained its corporate organization, although owning no property whatever except its franchise to be a telephone corporation; now therefore, after due deliberation, it is

Ordered: That the consent of this Commission be and it hereby is given to the New York Telephone Company to merge the said Empire State Telephone and Telegraph Company in the manner provided by section 15 of the Stock Corporation Law, and in accordance with chapter 673 of the laws of 1910.

[Case No. 2068]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of amendment on one day's notice of certain rates of the New York Telephone Company.

Whereas, The New York Telephone Company has presented an application of date December 19, 1910, requesting permission to amend on one (1) day's notice the rates provided in section 7 relating to private branch exchange applying to schedule "M" as contained in their tariff filed December 1, 1910, applying in the Western division, comprising counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, and Wyoming; and for good cause shown, it is

Ordered: That the New York Telephone Company be and it is hereby authorized to issue, on one (1) day's notice to the public and the Commission, a schedule issued as first revision of section 7, page 1, of the schedule herein referred to, establishing the following for private branch exchange, schedule "M" rates for minimum equipment per annum: One flat rate trunk $84; one switchboard ten line Monitor $18, or one switchboard standard one position cord $36; two stations at $12 each; and for additional equipment the following rates per annum: flat rate trunks, each 84; additional positions of cord switchboards, each $24; stations up to twenty, each $12; all stations in excess of twenty, each $6. Said schedule shall be filed within ten (10) days from the date of this order and apply thereafter to new business, and on and after January 1, 1911, to both new business and renewals of existing contracts, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, of date December 21, 1910."

APPENDIX M

In the Matter of Construction and Exercise of Franchise by Electrical Corporations and Gas Corporations.

APPENDIX M

[Case No. 1488]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the GENESEE FRUIT COMPANY under section 68 of the Public Service Commissions Law as to construction of an electric lighting line and the exercise of a franchise therefor.

After due deliberation it is

Ordered: That the permission and approval of this Commission be and it is hereby given that the Genesee Fruit Company may exercise the rights and privileges conferred by a franchise given by Seymour J. Reynolds, highway commissioner of the Town of Madison, county of Madison, dated January 20, 1910, to occupy the highways in the village of Bouckville, N. Y., with electric wires for the purpose of lighting property occupied by R. P. Washburn; also to light any property occupied and owned by the Genesee Fruit Company in said town, and that said Genesee Fruit Company may begin construction pursuant to the terms of said franchise.

[Case No. 1477]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the ELMIRA WATER, LIGHT AND RAILROAD COMPANY under section 68 of the Public Service Commissions Law as to construction and exercise of franchises in the towns of Elmira and Southport, Chemung county.

The Elmira Water, Light and Railroad Company having on January 17, 1910, filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate

in the towns of Elmira and Southport, Chemung county, an extension or extensions of its electric, or artificial gas or natural gas, systems which it operates in the city of Elmira, along, through, and upon any of the streets, avenues, highways, public parks, and places in either or both of said towns; and for approval of the exercise by said company of rights and privileges under franchises for such construction, maintenance, and operation received by said company from the town boards and superintendents of highways of said towns; and a hearing on said petition having been held by this Commission in the city of Albany on January 19, 1910; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That the Elmira Water, Light and Railroad Company be and hereby is permitted to construct extensions of its electric, artificial or natural gas, systems in the towns of Southport, Chemung county, N. Y., or Elmira, Chemung county, N. Y., outside of the city of Elmira, and in so doing to lay down and maintain pipes, suitable wires and other conductors and fixtures in and under the streets, highways, and public places in said towns of Elmira and Southport, for the purpose of furnishing and distributing artificial gas, natural gas, and electricity to the inhabitants thereof; and it is further

Ordered: That the Elmira Water, Light and Railroad Company be and it hereby is permitted to exercise the rights and privileges for such construction and operation conferred on the applicant by the franchises granted by the town boards of the Town of Elmira November 26, 1909, and Southport November 29, 1909, copies of which are annexed to the petition herein, marked Exhibits B and C respectively, and filed with this Commission.

[Case No. 1448]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of URBAN O. WEBB of Edwards, St. Lawrence county, N. Y., under section 68 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That the said Urban O. Webb be and he hereby is permitted to construct, erect, and maintain suitable poles, wires, and other conductors and fixtures in, under, and over streets, highways, and public places of the village of Edwards, St. Lawrence county, N. Y., for the purpose of furnishing and distributing electricity in said village and to the inhabitants thereof for light, heat, and power purposes, and that he be and hereby is permitted to exercise the rights and privileges conferred on the applicant by a franchise granted by the trustees of the said Village of Edwards on the 8th day of December, 1909, a copy of which is annexed to the petition herein.

[Case No. 1469]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the NORTH SYRACUSE LIGHT AND POWER COMPANY under section 68 of the Public Service Commissions Law for permission to commence construction and to exercise certain franchises.

After due hearing and deliberation it is

Ordered: That said North Syracuse Light and Power Company be and hereby is permitted to construct, erect, and maintain suitable wires, conductors, and fixtures in, under, and over the streets, highways, and public places in the towns of Salina, Clay, and Cicero in the county of Onondaga, N. Y., for the purpose of furnishing and distributing electricity in said towns and to the inhabitants thereof, and that it be and hereby is permitted to exercise the rights and privileges for such construction and operation conferred on the applicant by franchises granted by the town boards and highway commissioners of the Towns of Salina, Clay, and Cicero on the 28th day of December, 1909, copies of which are annexed to the petition herein.

[Case No. 1517]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the CORNING GAS AND ELECTRIC COMPANY of Corning, New York, under section 68 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That the said Corning Gas and Electric Company be and it hereby is permitted to construct, lay down, and maintain pipes, suitable wires, and other conductors and fixtures in and under the streets, highways, and public places in that portion of the town of Corning, Steuben county, N. Y., known as and called Centerville, an unincorporated village in said town, for the purpose of furnishing and distributing gas and electricity in said village and to the inhabitants thereof, and that it be and hereby is permitted to exercise the rights and privileges for such construction and operation conferred upon the applicant by a franchise granted by the town board of the Town of Corning on the 4th day of November, 1909, a copy of which is annexed to the petition herein and on file with this Commission.

[Case No. 1499]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the VILLAGE OF PORT BYRON, a municipal corporation in the town of Mentz, county of Cayuga and State of New York, under section 68 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That a certificate of authority be and the same hereby is granted to the applicant by this Commission to build, maintain, and operate for municipal and general commercial purposes an electric light system, and to manufacture, distribute, and furnish electricity in said village and to the inhabitants thereof for light and power purposes.

[Case No. 1514]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the HOOSAC RIVER ELECTRIC LIGHT AND POWER COMPANY, under section 68 of the Public Service Commissions Law as to construction in the village of Schaghticoke, Rensselaer county.

The Hoosac River Electric Light and Power Company having on February 21, 1910, filed with this Commission its petition under section 68 of the Public Service Commissions Law as to construction in the village of Schaghticoke, Rensselaer county, of poles and wires for transmitting and furnishing to the public electricity for light, heat, or power, and for approval of the exercise of rights and privileges under a franchise therefor received by said company from the board of trustees of said village; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on March 7, 1910, *James O. Carr* appearing for the petitioner and no one else appearing; now upon the aforesaid petition, papers filed, and hearing, and after due deliberation, it is

Ordered: That permission and approval of this Commission be and it is hereby given that the Hoosac River Electric Light and Power Company may exercise all the rights and privileges conferred upon it by a franchise granted it by the board of trustees of the Village of Schaghticoke on the 7th day of February, 1910, a copy of the said franchise so granted being annexed to the petition for this authorization and marked Schedule A. That permission and approval is hereby given that said corporation may begin construction in said village of Schaghticoke pursuant to the terms of said franchise.

[Case No. 1545]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the application of the CORNING GAS AND ELECTRIC COMPANY of Corning, Steuben county, New York, under section 68 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That the said Corning Gas and Electric Company be and it hereby is permitted to construct, lay down, and maintain pipes, suitable wires, and other conductors and fixtures in and under the streets, highways, and public places in the town of Corning, Steuben county, N. Y., pursuant to the terms and conditions of a certain franchise granted to the applicant by the town board and commissioner of highways of the Town of Corning, a certified copy of which is annexed to and made a part of the petition herein, for the purpose of furnishing and distributing gas and electricity in said town and to the inhabitants thereof, and that it be and hereby is permitted to exercise the rights and privileges for such construction and operation conferred upon the applicant by said franchise.

[Case No. 1420]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the SOUTH SHORE GAS COMPANY under section 68 of the Public Service Commissions Law as to construction and exercise of franchises.

The South Shore Gas Company of Babylon, Suffolk county, N. Y., having made its application to this Commission for authority under section 68 of the Public Service Commissions Law to begin construction and exercise certain rights and privileges under franchises granted to said company by the incorporated Villages of Babylon, Amityville, and Farmingdale, and the Town of Babylon, all in Suffolk county, N. Y.; and the said company having filed a certified copy of its charter, together with a verified statement showing that it has received the required consents of the said municipal authorities; now therefore it is

Ordered: 1. That under section 68 of the Public Service Commissions Law the approval of this Commission is hereby given to the South Shore Gas Company to begin construction and exercise the rights and privileges under the franchises hereinafter mentioned: Franchise Village of Babylon, granted October 19, 1909, to Hiram A. Odell, accepted by said Odell October

19, 1909, and transferred to the South Shore Gas Company April 6, 1910; franchise Village of Amityville, granted October 25, 1909, to Hiram A. Odell, accepted by said Odell October 25, 1909, and transferred to the South Shore Gas Company April 6, 1910; franchise Village of Farmingdale, granted December 20, 1909, to Hiram A. Odell, accepted by said Odell December 20, 1909, and transferred to the South Shore Gas Company April 6, 1910; franchise Town of Babylon, granted January 20, 1910, to Hiram A. Odell, accepted by said Odell January 20, 1910, and transferred to the South Shore Gas Company April 6, 1910.

Ordered: 2. That the transfer of said franchises by said Odell to said company is hereby approved.

[Case No. 1409]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

Application of the ISLIP ELECTRIC LIGHT COMPANY, under section 68 of the Public Service Commissions Law, as to construction and exercise of franchise.

After due hearing and deliberation it is

Ordered: That permission and approval be and hereby is given to the Islip Electric Light Company to exercise the franchise given to it by the Town of Islip, Suffolk county, December 8, 1909, a copy of which is attached to the petition herein, and that the said Islip Electric Light Company be and hereby is granted authority to begin construction thereunder of its plant and distributing system in the town of Islip.

It is further Ordered: That the opinion of Commissioner Olmsted in this case be adopted as the opinion of the Commission, and printed.

[Case No. 1577]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the PORT JERVIS LIGHT AND POWER COMPANY, under section 68 of the Public Service Commissions Law as to construction and exercise of franchise in the town of Deerpark, Orange county.

After due hearing and deliberation it is

Ordered: That the permission and approval of this Commission be and it is hereby given that the Port Jervis Light and Power Company may exercise

the rights and privileges conferred by a franchise granted March 21, 1910, by the town board and superintendent of highways of the Town of Deerpark, Orange county, to erect and operate poles, wires, conduits, and other necessary appurtenances in and along the highways known as the Orange and Sullivan plank road and the Berme road, from the westerly boundary line of the city of Port Jervis, to the village of Sparrowbush, town of Deerpark, Orange county, and in and along the streets, highways, and public places of said village of Sparrowbush for the purpose of distributing and furnishing electricity for light, heat, power, and that said Port Jervis Light and Power Company may begin construction pursuant to the terms of said franchise.

[Case No. 175]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the ULSTER LAKE COMPANY for a certificate of authority to transact business and for the approval of its incorporation.

After due deliberation it is

Ordered: That the matter of the application of the Ulster Lake Company for a certificate of authority to transact business and for the approval of its incorporation, made to the Commission of Gas and Electricity of the State of New York, be and hereby is closed upon the records of this Commission, it appearing by letter from Mr. A. T. Clearwater, the applicant's attorney, dated May 23, 1910, and received by this Commission May 24, 1910, that the applicant desires to withdraw the application.

[Case No. 1059]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the ECONOMIC POWER AND CONSTRUCTION COMPANY for the approval of its franchise and construction at Geneva, N. Y.

After due hearing and deliberation it is

Ordered: That the application of the Economic Power and Construction Company for authority to exercise the rights and privileges conferred by a certain franchise granted to said company by the City of Geneva on or about the 20th day of July, 1909, be and hereby is denied, and that the consent of this Commission to the exercise of said franchise by said company be and hereby is refused.

[Case No. 1031]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the NORTH SHORE ELECTRIC LIGHT AND POWER COMPANY, under section 68 of the Public Service Commissions Law.

Whereas, This Commission on May 25, 1910, adopted in this matter preambles and resolution as follows:

"In this case, after careful consideration of all the evidence, personal inspection of the general situation by one of the Commissioners, and an examination of the plant of the Port Jefferson Electric Light Company by one of its electrical engineers, the Commission finds:

"1. That the territorial area now served by the Port Jefferson Electric Light Company and proposed to be served by the applicant does not now and will not in the immediate future afford a sufficient demand for electric current to make the operations of two companies therein successful or desirable.

"2. That the Port Jefferson Electric Light Company has not at all times given reasonable and adequate service; that its plant and distributing system need additions and improvements; that owing to its use of what is known as the flat rate, the rates charged by it are discriminatory; that its business methods have been lax and inefficient; and that successful operation of its works requires the supervision of a competent, practical electrician.

"3. That all of the defects and inadequate service of the Port Jefferson Electric Light Company can be readily corrected by the exercise of the powers of this Commission when assisted by the active coöperation of the company itself, and that an adequate and satisfactory service can be given by it, thus avoiding an unnecessary duplication of plants, poles, and wires in the streets, and waste of capital.

"4. The Port Jefferson Electric Light Company has appeared as an objector in this case, and in its brief opposing the granting of the application says: 'We wish to emphasize the fact that the company desires to meet all reasonable requirements and invites the criticism of the Commission wherever deserved, and also such mandatory directions as to additions or changes in the plant itself and as to its management and as to the character of its service as will best promote the mutual interests of the company and its patrons.'

"5. That unless the said company will promptly and cordially accept and obey the directions and orders of the Commission in the above recited particulars without further investigation and hearings, it will be better to allow the applicant to construct its proposed plant; now therefore, in view of the foregoing findings of fact and conclusions,

"*Resolved* (1), That the application of the North Shore Electric Light and Power Company under section 68 of the Public Service Commissions Law for permission to begin construction, and for permission and approval that it may exercise the rights and privileges conferred upon it by certain franchises granted by the Town of Brookhaven and by the Town of Smithtown, be and the same is hereby denied, on condition however that the Port Jefferson Electric Light Company shall within ten days from the service upon its attorney of a copy of this resolution, file with this Commission a certified copy of a resolution of its board of directors adopted at a meeting duly and regularly called, in and by which resolution the said Port Jefferson Electric Light Company shall stipulate and agree as follows:

"*a.* That it will, without service of complaint, accept and obey any order or direction of this Commission made within six months from this date requiring it to make additions to or improvements or betterments of its plant and distributing system.

"*b.* That it will, as soon as it can with the exercise of the utmost diligence, engage and employ a competent practical electrician as superintendent of its plant, system, and operations, with full power and authority to conduct and manage the affairs and business of said company, subject always to the control and direction of the board of directors. Such superintendent to be approved by this Commission.

"*c.* That it will proceed with the utmost dispatch to correct such defects in its service as may be required by this Commission.

"*d.* That it will, upon direction and order of the Commission, change or modify its system of rates and charges so as to avoid all discrimination.

"(2), That in case said Port Jefferson Electric Light Company shall fail to comply with the terms of this resolution with reference to adopting and filing a resolution of the tenor required, that the application of said North Shore Electric Light and Power Company be granted.

"(3), That upon the expiration of ten days from the service of a copy of this resolution upon the attorney of said Port Jefferson Electric Light Company, an order be entered as the Commission shall then direct." And

Whereas, The Port Jefferson Electric Light Company has complied with the resolution of this Commission by filing a certified copy of a resolution of its board of directors adopted at a meeting of said board, held May 30, 1910, by which resolution said board of directors undertake to comply in full with all the conditions and requirements imposed upon said company by the resolution of this Commission; now therefore it is

Ordered: That the application of said North Shore Electric Light and Power Company under section 68 of the Public Service Commissions Law be and it is hereby denied.

[Case No. 1673]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of June, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John N. Carlisle,
Commissioners.

In the matter of the Application of the Mohawk Gas Company of Schenectady under section 68 of the Public Service Commissions Law for permission to exercise its franchise and to begin construction in the town of Niskayuna.

After due deliberation it is

Ordered: That the said Mohawk Gas Company be and it hereby is permitted to construct, lay, and maintain pipes, suitable conduits and other conductors and fixtures, together with all necessary connections and appurtenances in and under the streets, highways, and public places of the town of Niskayuna, Schenectady county, N. Y., for the purpose of furnishing and distributing gas for light, heat, and power in said town and to the inhabitants thereof; and that the said Mohawk Gas Company be and hereby is permitted to exercise the franchise for such construction and operation conferred upon it by the town board and the superintendent of highways of the Town of Niskayuna on the 27th day of May, 1910, a copy of which is annexed to and made a part of the petition herein.

[Case No. 1624]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the ITHACA-AUBURN POWER COMPANY of Ithaca under section 68 of the Public Service Commissions Law.

After due deliberation it is

Ordered, That the matter of the application of the Ithaca-Auburn Power Company of Ithaca under section 68 of the Public Service Commissions Law be and hereby is closed upon the records of this Commission, it being the unanimous opinion of the Commission that the granting of the application would be wholly in contravention of law, as more fully set forth in a letter written by the Chairman, dated May 27, 1910, and addressed to Messrs. Tompkins, Cobb and Cobb, attorneys for the applicant.

[Case No. 797]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of MARY E. SEELY and CHARLES A. SEELY under section 68 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That Mary E. Seely and Charles A. Seely be and are hereby permitted to construct, maintain, and operate suitable wires and other conductors and fixtures in and under the streets and public places of the village of Spencer, Tioga county, and easterly from said village to and in and upon the streets and public places of the village of Candor, for the purpose of furnishing and distributing electricity in said village of Candor and to the inhabitants thereof; and that said parties be and hereby are permitted to exercise the rights and privileges for such construction and operation conferred upon applicants by a franchise granted by the Village of Candor on or about July 1, 1908, and as amended by supplemental agreement entered into January 20, 1910, by a franchise granted by the Village of Spencer on or about January 25, 1910, and by a further franchise granted by the town superintendent of highways for the Town of Candor on or about February 8, 1910, copies of said franchise being annexed to the petition herein and on file with this Commission.

[Case No. 1694]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of ISRAEL C. WASHBURN under section 68 of the Public Service Commissions Law as to laying pipes for natural gas to be furnished the public for light, heat, or power in parts of the towns of Collins and North Collins, Erie county, and for approval of the exercise of franchises therefor received from the town boards of said Towns.

After due deliberation it is

Ordered: That the permission and approval of this Commission be and it is hereby given that Israel C. Washburn may exercise the rights and privileges conferred by a franchise granted by the town boards of the Towns of Collins and North Collins, Erie county, to occupy the highways in said towns with gas mains for the purpose of furnishing natural gas to said towns and the inhabitants thereof for light, heat, and power, and that said Israel C. Washburn may begin construction pursuant to the terms of said franchise.

[Case No. 1583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the HARTWICK POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the village of Richfield Springs a distributing system for the furnishing of electricity for light, heat, and power.

Whereas, After hearing and deliberation in the above entitled matter this Commission did on the 14th day of June, 1910, adopt a resolution expressing it to be the opinion of the Commission that the Richfield Springs Electric Light and Power Company now engaged in furnishing electric service in the village of Richfield Springs should make certain additions and betterments to its plant, to the end that better service could be afforded to the public by said company; and

Whereas, In that resolution the Commission set forth in detail the changes and improvements which it deemed necessary, and by the terms of said resolution, a copy of which was forwarded to the Richfield Springs Electric Light and Power Company, the Commission allowed ten days to said company within which to submit a certified copy of a resolution whereby the company should agree to make the said improvements and betterments; and

Whereas, A certified copy of a resolution adopted by the board of directors of the Richfield Springs Electric Light and Power Company on the 27th day of June, 1910, has been received by this Commission, which said resolution conforms with the terms and conditions of the resolution adopted by the Commission as heretofore set forth,

Ordered: 1. That permission to construct, maintain, and operate a distributing system for the furnishing of electricity for light, heat, and power in the village of Richfield Springs be and the same hereby is denied to the Hartwick Power Company.

Ordered: 2. That the Richfield Springs Electric Light and Power Company be and it hereby is directed to make the following additions and betterments to its plant and distributing system in said village of Richfield Springs: (*a*) to purchase and install without delay one gas engine and gas producer complete, with auxiliaries, piping, and foundations, said engine and producer to be capable of producing continuously 100 brake horsepower measured at the engine pulley, and the speed regulation of said engine to be within 2 per cent from no load to rated full load, namely, 100 horsepower; (*b*) to purchase and install in connection with such gas engine and producer, one 75-kw., 133-cycle, 1100-volt, single-phase alternator, with exciter, of standard manufacture and capable of developing 75 kw. continuously, or 90 kw. for three successive hours with a temperature rise of not to exceed 40 degrees centigrade above room temperature; (*c*) to repair and rebuild the street lighting and commercial incandescent lighting systems, with particular reference to the following details: (1) no primary or secondary mains, or series street lighting feeders of less size than No. 6 B. & S. gauge shall be kept in service: this does not bar the use of smaller wire for service connections; (2) all rotten poles and cross-arms shall be at once removed and replaced with sound material; (3) the leads running to street arc lamps shall be cleared from all contact with cross-arms, lamp suspension cables, primary and secondary wires, and signal wires: for this work the use of rubber-covered duplex cable is recommended; (4) a minimum clearance of ten inches between primary wires of opposite polarity, primary and secondary wires, arc lamp wires and secondary wires, and primary and arc lamp wires, shall be maintained throughout; (5) a minimum clearance of fifteen feet from the lowest point of any wire to the surface of any highway or sidewalk shall be maintained throughout; (6) all wires shall be securely tied to insulators; (*d*) to furnish to the Village upon contract, thirty-six 6.6 ampere alternating current enclosed arcs as now located at $59.50 per lamp per annum, service from sunset to sunrise every night during the life of the contract, and to furnish, if required, additional lamps of the same type at $6 per lamp per month; the Village Hose House to be lighted gratis with not more than fifteen 16-c. p. incandescent lamps; (*e*) to install at its switchboard recording watt-hour meters whereby the total output of the plant in kw. hours and the energy supplied to the street lighting system may be measured.

Ordered: 3. That the said Richfield Springs Electric Light and Power Company is hereby directed and required to complete the above mentioned betterments and improvements on or before the 1st day of January, 1911.

[Case No. 1629]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the PALMYRA GAS AND ELECTRIC COMPANY under section 68 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That the said Palmyra Gas and Electric Company be and it hereby is permitted to construct, lay down, erect, and maintain pipes, suitable poles and wires, and other conductors and fixtures, in and under the streets, highways, and public places in the town of Palmyra, Wayne county, N. Y., for the purpose of furnishing and distributing gas and electricity in said town and to the inhabitants thereof; and that it be and hereby is permitted to exercise the rights and privileges for such construction and operation conferred on the applicant by a certain franchise granted by the town board of the Town of Palmyra on the 29th day of March, 1910, a copy of which is annexed to and made a part of the petition herein.

[Case No. 1631]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE NEW LIGHT, HEAT AND POWER COMPANY of Newark, N. Y., under section 68 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That the said The New Light, Heat and Power Company of Newark, N. Y., be and it hereby is permitted to construct, erect, and maintain suitable poles and wires and all necessary conductors and fixtures in and under the streets, highways, and public places in the town of Arcadia, Wayne county, N. Y., for the purpose of furnishing and distributing electricity for light, heat, and power in said town and to the inhabitants thereof; and that it be and hereby is permitted to exercise the rights and privileges for such construction and operation conferred on the applicant by a certain franchise granted on the 28th day of March, 1910, by the town board of the Town of Arcadia, a copy of which is annexed to and made a part of the petition herein.

[Case No. 1632]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of NEWARK (N. Y.) GAS LIGHT AND FUEL COMPANY under section 68 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That the said Newark (N. Y.) Gas Light and Fuel Company be and it hereby is permitted to construct, lay down, and maintain pipes, suitable conduits, and other conductors and fixtures, together with all necessary connections and appurtenances, in and under the streets, highways, and public places of the town of Arcadia, Wayne county, N. Y., for the purpose of furnishing and distributing gas for light, heat, and power in said town and to the inhabitants thereof; and that it be and hereby is permitted to exercise the rights and privileges for such construction and operation conferred on the applicant by a certain franchise granted by the town board of the Town of Arcadia, Wayne county, N. Y., on the 30th day of March, 1910, a copy of which is annexed to and made a part of the petition herein.

[Case No. 1695]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the MOHAWK HYDRO-ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for permission and approval to begin construction of a hydro-electric plant on Garoga creek, Fulton county.

Whereas, 1. It is the purpose of Mohawk Hydro-Electric Company to construct a hydro-electric plant on and along Garoga creek, Fulton county, for the generating of electric energy;

2. A considerable portion of the electric energy developed will be sold generally for light, heat, and power purposes through the Fulton County Gas and Electric Company as distributing agent, pursuant to an agreement entered into by and between Mohawk Hydro-Electric Company and Fulton County Gas and Electric Company on or about June 3, 1910, a copy of said agreement being filed herein;

3, The Fulton County Gas and Electric Company has employed an hydraulic engineer to examine into and investigate the hydraulic features of the proposed water power development, and upon said engineer's favorable report as to

the ability of the applicant to carry out the terms of the agreement above mentioned said Fulton County Gas and Electric Company has begun, with the approval of this Commission, the construction of a transmission line and substation for the utilization of the energy to be purchased (Case 1682);

4. By courtesy of the State Water Supply Commission, a report of Mr. Walter McCulloh, consulting engineer of the said Commission, is filed herein under date of June 30th, wherein it appears that the drainage area and plan of water storage is adequate to develop an amount of electric power claimed by applicant, that the proposed hydro-electric development is a feasible engineering proposition, and that the cost of the proposed development as estimated by applicant is not unreasonable;

Now upon these facts and upon the petition and all the evidence herein, the Commission being of the opinion that the construction of said hydro-electric plant by Mohawk Hydro-Electric Company is necessary and convenient for the public service,

Ordered: That the permission and approval of this Commission be and it is hereby given that said Mohawk Hydro-Electric Company (1) may begin construction of its hydro-electric plant on Garoga creek, Fulton county, consisting of storage systems, power houses, machinery, buildings, dams, penstocks, pipe lines, water-wheels, flumes, and such other structures as may be necessary or useful in the generation, transmission, sale, or use of electricity for light, heat, or power purposes, all as is more fully set forth in the certificate of incorporation of said company filed in the office of the Secretary of State on the 17th day of May, 1910; a certified copy of which is attached to the petition herein; (2) may exercise rights and privileges under a franchise granted it by the town board and the superintendent of highways of the Town of Ephratah, Fulton county, the 18th day of May, 1910, and begin construction, pursuant to the terms of said franchise, of a pipe line for the conveyance of water from the dam site to its power house site.

[Case No. 1685]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the RIVERHEAD ELECTRIC LIGHT COMPANY under section 68 of the Public Service Commissions Law as to construction and exercise of franchise in the town of Southampton, Suffolk county.

After due hearing and deliberation it is

Ordered: That permission and approval be and the same are hereby given that the Riverhead Electric Light Company may exercise the rights and privileges conferred by a franchise granted said company by the town board of the Town of Southampton on the 2nd day of June, 1910, a copy of which franchise is annexed to the petition of said company on file and marked schedule A, and that said company may begin construction of its lines as authorized by said franchise.

[Case No. 1751]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the NEWBURGH LIGHT, HEAT AND POWER COMPANY under section 68 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: Pursuant to section 68 of the Public Service Commissions Law, that the permission and approval of this Commission be and it is hereby given that the Newburgh Light, Heat and Power Company:

1. May exercise its rights and privileges under franchises respectively granted it as follows: to wit, (*a*) by the town board and highway commissioners of the Town of Gardiner, Ulster county, on or about the 27th day of May, 1909, to build and maintain conductors, cables and wires, and a pole system for the transmission of electric current in, upon, across, and along the streets, highways, and public places in said town, and to furnish electric current for lighting, heating, and power purposes to inhabitants of said town; (*b*) by the board of trustees of the Village of Montgomery, town of Montgomery, Orange county, on or about the 1st day of June, 1910, to erect, construct, and maintain pipes and conduits for the purpose of using, furnishing, and supplying electricity or gas, or both, through and upon the streets, highways, and public places in said village, this permission and approval being at this time with respect to the exercise of the rights and privileges under said franchise to furnish electric service; (*c*) by the superintendent of highways and town board of the Town of Montgomery, Orange county, on or about the 2nd day of July, 1910, to erect, construct, and maintain conductors, poles, cables and wires, and to lay and maintain pipes and conduits for the purpose of using, furnishing, and supplying through, in, and upon the streets and highways of said town; (*d*) by the town board of the Town of Shawangunk, Ulster county, on or about the 18th day of July, 1910, to build, install, maintain, and operate an electric transmission and distributing system in, under, and upon the streets, highways, and public places of said town, said franchise being supplemental to the franchise granted by said Town to Marion Borden Halliday on or about the 20th day of March, 1908, and transferred with the approval of this Commission July 25, 1910, to Newburgh Light, Heat and Power Company.

2. May begin construction under the aforesaid franchises of a transmission line, capable of carrying 33,000 volts, from Forest Glen, in the town of Gardiner, in a southerly direction to the town of Shawangunk, and through said town of Shawangunk over private right of way to connect with the distribution lines in said town of Shawangunk, and then southerly and east of the village of Walden, and thence southwesterly through the towns of Shawangunk and Montgomery to the village of Montgomery; and of such other and further construction of distribution lines as will enable the Newburgh Light, Heat and Power Company to distribute and sell electricity pursuant to its rights and privileges under the aforesaid franchises for purposes of light, heat, and power; provided however that the permission and approval herein shall not be deemed to authorize the said Newburgh Light, Heat and Power Company to distribute, furnish, or sell electricity for purposes of light, heat, or power in the incorporated village of Walden, in said town of Montgomery, where electric service is now furnished by Wallkill Valley Electric Light and Power Company, or in any locality now served by said Wallkill Valley Electric Light and Power Company.

[Case No. 1734]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition and Supplemental Petition of the LIVONIA LIGHT AND HEAT COMPANY under section 68 of the Public Service Commissions Law for permission to construct and to exercise rights and privileges under franchises granted by town boards and highway commissioners of the Towns of Livonia, Lima, and Avon, Livingston county, N. Y.

The Livonia Light and Heat Company having filed with this Commission its petition and supplemental petition, under section 68 of the Public Service Commissions Law, for permission to construct, maintain, and operate in the towns of Livonia, Lima, and Avon, Livingston county, poles and wires for transmitting and furnishing to the public electricity for light, heat, or power, and for approval of the exercise by said company of rights and privileges under franchises for such construction, maintenance, and operation received by said company from the town boards and highway commissioners of the Towns of Livonia, Lima, and Avon; and a public hearing on said petition and said supplemental petition, after due notice, having been held by this Commission in the city of Rochester on August 4, 1910; now after due deliberation it is

Ordered: That the said Livonia Light and Heat Company be and hereby is permitted to construct, erect, build, maintain, and operate suitable and necessary poles, wires, cables, conduits, subways, and other appliances, structures, conductors, and fixtures, in, over, through, upon, under, or across the streets, alleys, highways, avenues, and public places in the towns of Livonia, Lima, and Avon, Livingston county, N. Y., for the purpose of furnishing and distributing electricity for light, heat, and power purposes in said towns and to the inhabitants thereof; and that it be and hereby is permitted to exercise all the rights and privileges for such construction, operation, and maintenance granted in franchises by the town boards and highway commissioners of the Towns of Livonia, Lima, and Avon, Livingston county, N. Y., on April 26, 1910, June 15, 1910, and May 6, 1910, respectively, verified copies of which are on file with and made a part of the petitions herein.

[Case No. 1831]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the BOARD OF TRUSTEES OF THE VILLAGE OF SILVER SPRINGS for permission to construct and operate a municipal electric light plant to furnish electricity for light and power, under section 68 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That the Village of Silver Springs be and it is hereby authorized to construct works for supplying the inhabitants of said village with electricity for lighting and power purposes, such construction in the opinion of the Commission being necessary and convenient for the public service.

[Case No. 1840]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the MUNICIPAL GAS COMPANY OF ALBANY for permission to erect and maintain poles, wires, etc., to furnish electricity upon and along the Albany and Greene turnpike and roads intersecting said turnpike, in the town of Bethlehem, Albany county, N. Y.

After due hearing and deliberation it is

Ordered: That the consent and approval of this Commission be and hereby is given to said Municipal Gas Company to exercise rights granted under the franchise by the Town of Bethlehem dated July 30, 1910, to erect and maintain poles, lamps, wires, cables, and all other necessary appliances and apparatus for the purpose of conducting currents of electricity for the transmission and production of light, heat, and power upon and along the Albany and Greene turnpike (also known as the River road), in the town of Bethlehem, county of Albany, and State of New York, from the city line of the city of Albany to the line of the town of Coeymans, and upon and along all public roads and highways intersecting said Albany and Greene turnpike in the town of Bethlehem aforesaid extending to the Hudson river, and upon and along all public roads and highways intersecting said Albany and Greene turnpike for a distance of two miles westerly therefrom.

[Case No. 1843]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the AVON ELECTRIC COMPANY for approval of a franchise granted by the town board and town superintendent of highways of the Town of Geneseo.

After due hearing and deliberation it is

Ordered: That the permission and approval of this Commission be and the same is hereby given that the Avon Electric Company may exercise the rights and privileges conferred by a franchise granted by the town board and town superintendent of highways of the Town of Geneseo, in the county of Livingston, dated the 16th day of July, 1910, a copy of which franchise is annexed to the petition in this matter and marked exhibit 2: and that the said Avon Electric Company may begin construction of its works and system requisite for the use and enjoyment of said franchise.

[Case No. 1846]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the BROCTON GAS AND FUEL COMPANY for permission to exercise certain franchises granted to it by the Town of Portland and Village of Brocton, Chautauqua county, N. Y.

After due hearing and deliberation it is

Ordered: That the permission and approval of this Commission be and the same hereby is granted that the Brocton Gas and Fuel Company may exercise the rights and privileges conferred by a franchise granted it by the Village of Brocton on the 18th day of June, 1910, a copy whereof is annexed to the petition in this matter and marked schedule B: and that it may exercise the rights and privileges conferred upon it by a franchise granted by the Town of Portland on the 11th day of August, 1910, said franchise having been granted by said town to W. H. Frost and assigned by the said Frost on the 1st day of September, 1910, to the said Brocton Gas and Fuel Company, copies of which franchise and assignment are annexed to the petition in this matter and marked schedule F. Permission and approval is hereby given that the said Brocton Gas and Fuel Company may begin construction of its works and system necessary for the exercise of the rights and privileges conferred by the aforesaid franchises.

[Case No. 1860]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of September, 1910.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Application of the GENEVA-SENECA ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for permission to exercise rights and privileges conferred upon the applicant by a franchise granted by the City of Geneva, Ontario county, N. Y.

Whereas, The petition in the above entitled matter and the facts presented to this Commission at a public hearing show that the board of trustees of the Village of Geneva did on the 19th day of February, 1884, grant to the Brush-Swan Electric Light Company the power to erect poles, wires, and a general distributing system for the purpose of conveying electric energy through the village of Geneva; and that the applicant, the Geneva-Seneca Electric Company, is the successor of the said Brush-Swan Electric Light Company, and as such has for some time past conducted a lighting business in the city of Geneva; and further, that the municipal authorities of the City of Geneva have maintained that the Geneva-Seneca Electric Company had no franchise to operate such an enterprise in and through the streets of said city; and

Whereas, Said municipal authorities of the City of Geneva did on the 3rd day of September, 1910, grant to the applicant certain rights and privileges in the streets of said city, a copy of which said franchise is annexed to the petition herein; now, after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law the permission and approval of this Commission be and is hereby given to the petitioner, the Geneva-Seneca Electric Company, to exercise the rights and privileges contained in the said franchise granted by the common council of the City of Geneva on the 3rd day of September, 1910.

[Case No. 1888]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of GEORGE B. WOODMANCY under section 68 of the Public Service Commissions Law for authority to begin construction of an electric plant in the Village of East Randolph, Cattaraugus county, and for approval of the exercise of rights and privileges to occupy streets of the village with poles, wires, and other fixtures for transmitting and furnishing to the public electricity for light and power.

After due deliberation it is

Ordered: That permission and approval be and the same hereby are given that George B. Woodmancy may exercise the rights and privileges conferred

by a franchise granted him by the Village of East Randolph on the 1st day of September, 1910, a copy of which franchise is annexed to the petition of said Woodmancy for this approval, and that he may begin construction pursuant to the terms of said franchise.

[Case No. 1765]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the PEEKSKILL LIGHTING AND RAILROAD COMPANY under section 68 of the Public Service Commissions Law for permission to exercise a franchise and to begin construction and operation of electric and gas distributing systems.

After due hearing and deliberation it is

Ordered: That the said Peekskill Lighting and Railroad Company be and it hereby is permitted to construct, erect, lay down, maintain, and operate suitable pipes, poles, wires, conductors, and fixtures, together with the necessary appurtenances thereto, in, through, over, under, and across the streets, highways, and public places of the town of Yorktown, Westchester county, N. Y., for the purpose of furnishing and distributing gas and electricity in said town and to the inhabitants thereof; and that it be and it hereby is permitted to exercise the rights and privileges for said construction, operation, and maintenance conferred upon the applicant by a franchise granted by the town board and town superintendent of highways of the Town of Yorktown on the 11th day of June, 1910, a certified copy of which is annexed to and made a part of the petition herein.

[Case No. 1856]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of THE HANNIBAL ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for authority to exercise franchises and begin construction.

After due hearing and deliberation it is

Ordered: That The Hannibal Electric Company be and it hereby is permitted to construct, build, erect, maintain, and operate suitable poles, wires,

and other conductors and fixtures, together with all necessary appurtenances thereto, in, over, and through the streets, highways, and public places in the towns of Granby and Hannibal, in the county of Oswego, N. Y., for the purpose of furnishing and distributing electricity for light, heat, and power in said towns and to the inhabitants thereof: and that it be and it hereby is permitted to exercise the rights and privileges for said construction and operation conferred on the applicant by franchises granted by the town boards and superintendents of highways of the Town of Granby August 11, 1910, and the Town of Hannibal August 12, 1910, which said franchises are annexed to and made a part of the petition herein. And

Whereas, This Commission did by order adopted on the 4th day of October, 1910, consent to the sale to The Hannibal Electric Company of a certain franchise heretofore granted on the 3rd day of January, 1910, to Charles A. Cox, Ernest W. Rice, and Theodore P. Ball by the board of trustees of the Village of Hannibal, Oswego county, N. Y., and amended by resolution of said board on September 26. 1910, which amending resolution extended the duration of said franchise to and including December 1, 1910, a copy of which resolution is annexed to and made a part of the petition herein;

It is further Ordered: That the consent of this Commission be and it hereby is given to The Hannibal Electric Company to construct, erect, build, maintain, and operate suitable poles, wires, conductors, fixtures, and all necessary appurtenances thereto, in, over, through, and across the streets, avenues, highways, and public places of the village of Hannibal. Oswego county, N. Y., for the purpose of distributing electricity for light, heat, and power in said village and to the inhabitants thereof; and that it be and it hereby is permitted to exercise the rights and privileges for said construction and operation conferred upon the applicant by the said franchise granted on the 3rd day of January, 1910, to Charles A. Cox, Ernest W. Rice, and Theodore P. Ball of the village of Hannibal, Oswego county, N. Y., and thereafter duly assigned with the consent of this Commission, as heretofore set forth, to the petitioner herein, The Hannibal Electric Company.

[Case No. 1896]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the NORTHERN POWER COMPANY under section 68 of the Public Service Commissions Law for permission to commence construction and to exercise a franchise.

After due hearing and deliberation it is

Ordered: That the Northern Power Company be and it hereby is permitted to construct, erect, maintain, and operate suitable poles, wires, and other conductors and fixtures, together with all the necessary appurtenances thereto, in, under, through, over, and across the streets, avenues, highways, and public places of the village of Richville, St. Lawrence county, N. Y., for the purpose of furnishing and distributing electricity for light, heat, and power in said village and to the inhabitants thereof, in accordance with all of the terms, conditions, and specifications of a certain contract entered into on the 13th day of August, 1910, by and between the president and board of trustees of

the Village of Richville, N. Y., and the Northern Power Company, a copy of which is annexed to and made a part of the petition herein; and that the said Northern Power Company be and it hereby is permitted to exercise the rights and privileges for such construction and operation conferred upon it by said contract or franchise above described.

[Case No. 1935]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of A. W. GREGORY of Morristown, St. Lawrence county, under section 68 of the Public Service Commissions Law for permission to begin construction of an electric plant in said village, and for approval of the exercise of rights and privileges under a franchise therefor received by petitioner from said village.

After due deliberation it is

Ordered: That pursuant to the provisions of section 68 of the Public Service Commissions Law permission and approval be and the same hereby are given that A. W. Gregory may exercise the rights and privileges conferred by a franchise and contract granted him by the Village of Morristown, St. Lawrence county, dated the 3rd day of October, 1910, a copy of which franchise and contract are annexed to the petition of said Gregory for this approval, and that he may begin construction pursuant to the terms of said franchise and contract.

[Case No. 1909]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE RIDGE ROAD GAS AND OIL COMPANY under section 68 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That The Ridge Road Gas and Oil Company be and it hereby is permitted to build, construct, lay down, maintain, and operate pipes, conduits, and conductors, together with all necessary fixtures and appurtenances thereto, for the purpose of furnishing, distributing, and supplying natural gas to the pipes and distributing system of a corporation known as the

United Natural Gas Company, in, under, through, and across certain streets, avenues, highways, and public places in the village of Hamburg, Erie county, N. Y., in accordance with all the terms and specifications of a certain franchise granted to the petitioner by the board of trustees of the said Village of Hamburg on the 30th day of September, 1910, a certified copy of which is annexed to and made a part of the petition herein; and that said petitioner be and hereby is permitted to exercise all the rights and privileges for such construction, operation, and maintenance as more fully set forth and described in said franchise.

[Case No. 1924]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the UNITED NATURAL GAS COMPANY for permission to commence construction and exercise franchise in the village of Blasdell, Erie county, N. Y., pursuant to section 68 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That the United Natural Gas Company, a foreign corporation organized and existing under and by virtue of the laws of the State of Pennsylvania, and engaged in the production and distribution of natural gas in that State and in the State of New York, be and it hereby is permitted to lay down, maintain, and operate mains, pipes, conduits, and conductors, together with all necessary appurtenances thereto, in, through, under, and across the streets, avenues, alleys, highways, squares, and public places in the village of Blasdell, Erie county, N. Y., for the purpose of supplying and distributing natural gas in said village and to the inhabitants thereof; and it is further

Ordered: That the said United Natural Gas Company be and it hereby is permitted to exercise all the rights and privileges of such construction, maintenance, and operation of said gas pipes and gas distributing system set forth in a certain franchise granted by the board of trustees of the Village of Blasdell on the 16th day of June, 1910, a certified copy of which is annexed to and made a part of the petition herein.

[Case No. 1938]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of CHERRY GAS AND OIL COMPANY under section 68 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That the Cherry Gas and Oil Company of Hamburg, Erie county, N. Y., be and it hereby is permitted, pursuant to section 68 of the Public Service Commissions Law, to construct, lay down, maintain, and operate suitable pipes and conduits, together with all necessary appurtenances thereto, in, under, across, and through a certain highway known as Evans street in the town of Hamburg, Erie county, N. Y., and in, under, across, and through certain streets, highways, and public places in the village of Hamburg, Erie county, N. Y., for the purpose of distributing gas in said village and town to the United Natural Gas Company.

It is further Ordered: That said Cherry Gas and Oil Company be and it hereby is permitted to exercise all rights and privileges conferred upon it for such construction and operation by franchises granted by the town superintendent of highways of the Town of Hamburg, and the board of trustees of the Village of Hamburg, dated October 4, 1910, and October 19, 1910, respectively, certified copies of which are annexed to and made a part of the petition herein and marked Exhibits B and C.

[Case No. 1937]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the HAMBURG WATER AND ELECTRIC LIGHT COMPANY for permission to construct a pipe line for the conveyance of natural gas in the village of Hamburg, Erie county, N. Y., and to exercise its franchise therefor.

After due hearing and deliberation it is

Ordered: That the Hamburg Water and Electric Light Company, a domestic corporation organized and existing under and by virtue of the laws of the State of New York, be and it hereby is permitted to construct, lay down, maintain, and operate suitable pipes, conduits, and other conductors and fixtures, together with all necessary connections and appurtenances thereto, in, under, through, and across certain streets and highways in the village of

Hamburg, Erie county, N. Y., said streets being known as Prospect avenue and Buffalo street respectively, for the purpose of transmitting and conveying natural gas to the present pipes and distributing system of the United Natural Gas Company; and that the said Hamburg Water and Electric Light Company be and it hereby is permitted to exercise all the rights and privileges for such construction, maintenance, and operation conferred upon it in a franchise granted by the board of trustees of the Village of Hamburg on the 22nd day of October, 1910, a copy of which is annexed to and made a part of the petition herein.

[Case No. 1700]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Application of LIVINGSTON-NIAGARA POWER COMPANY under section 68 of the Public Service Commissions Law for permission and approval to commence construction and to exercise franchises.

After due hearing and deliberation it is

Ordered: 1. That the permission and approval of this Commission be and the same are hereby given that Livingston-Niagara Power Company, an electrical corporation, may begin the construction of its electric plant as set forth and described in its articles of incorporation and its petition for this permission and approval, said electric plant to be constructed, maintained, and operated in the towns of Avon, Caledonia, Geneseo, Lima, and York, in the county of Livingston, N. Y., and in the village of Caledonia in the county of Livingston, and in the towns of Mendon, Rush, and Wheatland in the county of Monroe.

Ordered: 2. That permission and approval of this Commission be and the same hereby are given that said Livingston-Niagara Power Company may exercise the rights and privileges conferred upon it by the following franchises granted by the several towns and municipalities hereinafter named: Town of Avon, Livingston county, N. Y., on the 13th day of November, 1909; Town of Caledonia, Livingston county, N. Y., on the 21st day of August, 1909; Town of Geneseo, Livingston county, N. Y., on the 26th day of March, 1910; Town of Lima, Livingston county, N. Y., on the 4th day of October, 1909; Town of York, Livingston county, N. Y., on the 25th day of September, 1909; Village of Caledonia, Livingston county, N. Y., on the 11th day of September, 1909; Town of Mendon, Monroe county, N. Y., on the 30th day of March, 1910; Town of Rush, Monroe county, N. Y., on the 28th day of December, 1909; Town of Wheatland, Monroe county, N. Y., on the 4th day of March, 1910. Copies of each and every of the franchises above described, and for the exercise of which permission and approval are hereby given, are annexed to and form a part of the petition in this case for the approval thereon.

[Case No. 1692]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ITHACA-AUBURN POWER COMPANY under section 68 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That the application of the Ithaca-Auburn Power Company under section 68 of the Public Service Commissions Law be and the same is hereby denied.

[Case No. 1921]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the MIDDLEPORT GAS AND ELECTRIC LIGHT COMPANY for the permission and approval of this Commission to exercise a franchise granted said company by the municipal authorities of the Town of Royalton, and for permission and approval to begin construction of its plant pursuant to such franchise.

The applicant in this case desires to supply electric power for light and heat to the inhabitants of the hamlet of Gasport situate in the town of Royalton, a distance of approximately five miles from the village of Middleport. The hamlet of Gasport is not at present served by any electric light plant. The applicant is doing business in the village of Middleport under a contract with the Niagara, Lockport and Ontario Power Company, is obliged to pay for electricity supplied to it in excess of its present demands for sale, can construct a transmission plant to Gasport cheaply, and there is a considerable demand at Gasport for such service. No reason has been brought to the attention of the Commission why the applicant should not be permitted to render this service which is asked for by various people at Gasport. The A. L. Swett Electric Light and Power Company has a franchise in the town of Royalton, and this Commission has decided that said company has the right to supply electric current to Gasport without its permission and approval under said franchise. This company, however, did not undertake in any manner to supply electric current to Gasport prior to the initiation of efforts by the applicant in this case to that end. The territory is entirely unoccupied, and it is fairly the right of the applicant to serve the same as it is of the A. L. Swett company. Both companies are established companies,

and it may be poor business for them to enter into competition in this field, but it can not be of any injury to the hamlet of Gasport that such competition should exist. Therefore it is

Ordered: That the permission and approval of this Commission be and it is hereby given that the Middleport Gas and Electric Light Company may exercise all of the rights and privileges conferred upon it by a franchise granted by the municipal authorities of the Town of Royalton on the 21st day of April, 1910, a copy of which franchise is annexed to the petition in this matter and marked Exhibit A; and that the permission and approval of this Commission be and the same are hereby granted that the said Middleport Gas and Electric Light Company may begin construction of its electric plant necessary for the exercise of such franchise and privileges.

[Case No. 1583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the HARTWICK POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the village of Richfield Springs a distributing system for the furnishing of electricity for light, heat, and power.

Whereas, In the matter of the application of the Hartwick Power Company for permission to construct, maintain, and operate in the village of Richfield Springs a distributing system for the furnishing of electricity for light, heat, or power, it appears that the Richfield Springs Electric Light and Power Company has completed the installation of items "a" and "b" as specified in the order of this Commission dated June 30, 1910; and

Whereas, It appears from a communication dated November 22nd, received from the said company, that it is not practicable to complete the work as specified under item "c" at this season of the year; and

Whereas, The aforesaid order of the Commission set the 1st day of January, 1911, as the date on which such improvements should be effected; it is

Ordered: That the said Richfield Springs Electric Light and Power Company be and is hereby granted an extension of time to complete the improvements and repairs in its distribution system as specified in the order herein of date June 30, 1910, from January 1, 1911, to May 1, 1911.

[Case No. 2014]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of the Deer River Power Company under section 68 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That the Deer River Power Company be and it hereby is permitted to construct, erect, build, maintain, and operate necessary and suitable poles, wires, cables, and other conductors and fixtures as a transmission line and distributing system in, over, through, and across the streets, avenues, highways, and public places in the towns of Denmark and Champion and in the village of West Carthage, N. Y., for the purpose of furnishing and distributing electricity for light, heat, and power in the towns of Denmark and Champion, and for the purpose of furnishing electricity to the LeRay Paper Company for power purposes only in the village of West Carthage, without prejudice to the applicant to apply to this Commission for a further authorization with reference to the sale and distribution of electricity in said village.

It is further Ordered: That said Deer River Power Company be and it hereby is permitted to exercise the rights and privileges for such construction, maintenance, and operation conferred by franchises granted by the town board and town superintendent of highways of the Town of Denmark, Lewis county, N. Y., dated August 15, 1910; by the town board and highway commissioner of the Town of Champion, Jefferson county, N. Y., dated August 30, 1910; by the board of trustees of the Village of West Carthage, Jefferson county, N. Y., on the 10th day of October, 1910 (to the extent only as hereinbefore set forth), copies of which franchises are annexed to and made a part of the petition herein.

It is further Ordered: That upon the stipulation of said Deer River Power Company made upon the hearing herein, the franchise granted by the board of trustees of the Village of West Carthage is not approved at this time only to the extent of permitting said company to furnish electricity for power only to the LeRay Paper Company, but with leave to renew application to approve entire franchise at any future time.

APPENDIX N

In the Matter of Transfer of Franchise, Sale of Stock, or Consolidation of Electrical Corporations and Gas Corporations.

APPENDIX N

[Case No. 1465]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of CHARLES P. DICKINSON of Fitchburg, Mass., and CHARLES H. STOKES of the town of Warwarsing, Ulster county, N. Y., under section 70 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That the consent of this Commission be and it is hereby given to Charles P. Dickinson, as party of the first part, to sell, transfer, and assign to Charles H. Stokes, as party of the second part, an electric lighting plant, together with all wires, poles, conductors, and fixtures, constituting the entire distributing system of said electric lighting plant owned by said party of the first part and operated by him for the transmission and distribution of electricity in the town of Warwarsing, Ulster county, N. Y., together with a certain franchise granted to him by the town board of the Town of Warwarsing, Ulster county, N. Y., dated March 10, 1899, and a certain franchise granted to him by the town board and commissioner of highways of the Town of Rochester, Ulster county, N. Y., dated March 10, 1899, pursuant to and in accordance with the terms and conditions of a certain contract entered into between Charles P. Dickinson and Charles H. Stokes dated March 10, 1899, copy of which is annexed to the petition herein and marked Exhibit A.

[Case No. 1467]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of CHARLES P. DICKINSON and ARNOLD C. DICKINSON of Fitchburg, Mass., under section 70 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That the consent of this Commission be and it is hereby given to Charles P. Dickinson, party of the first part, to sell, transfer, and assign

to Arnold C. Dickinson, party of the second part, certain rights and franchises granted to the party of the first part by the board of trustees of the Village of Rosendale, in the county of Ulster, August 22, 1906, and by the town board and the commissioner of highways of the Town of Marbleton, in the county of Ulster, April 13, 1907; and that the consent of this Commission be and is hereby given to the party of the first part to sell, transfer, and assign to the party of the second part an electric lighting plant, together with all wires, poles, conductors, and other fixtures, constituting the entire distributing system of said plant now owned by the party of the first part and operated by him for the transmission and distribution of electricity in said villages of Marbleton and Rosendale, Ulster county, N. Y.: pursuant to and in accordance with the terms and conditions of an agreement entered into between Charles P. Dickinson and Arnold C. Dickinson dated the 28th day of December, 1908, a copy of which is annexed to and made a part of the petition herein.

[Case No. 1602]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the CONANT-BRYANT POWER COMPANY under section 68 of the Public Service Commissions Law as to construction of an electric light, heat, or power line in the village of Wilson, Niagara county.

After due hearing and deliberation it is

Ordered: 1. That under section 68 of the Public Service Commissions Law the approval of this Commission be and it is hereby given to the exercise on the part of the Conant-Bryant Power Company, the petitioner herein, of a certain franchise issued by the Village of Wilson, Niagara county, New York, to Stuart M. Conant and Russell W. Bryant, in the form of a resolution of the village board of said village adopted on the 4th day of February, 1910, a copy of which is attached to said petition in this proceeding, and was produced on the hearing herein and marked "Exhibit 1," together with the acceptance of said franchise on the part of Stuart M. Conant and Russell W. Bryant dated February 28, 1910, produced on the said hearing and marked "Exhibit 1"; which said resolution grants to the said Conant-Bryant Power Company, their successors, lessees, and assigns, power to construct, maintain, and operate necessary poles, wires, cables, conduits, subways, towers, appliances, and structures, in, through, upon, under, and across all of the public streets, alleys, and highways and places of the village of Wilson for the purpose of furnishing, using, and distributing electricity for light, heat, or power to the said village and to the inhabitants thereof; and the consent and approval of the Commission be and it is hereby granted unto the Conant-Bryant Power Company to begin construction of their plant and distribution system in the village of Wilson thereunder, which said franchise was duly assigned by said Stuart M. Conant and Russell W. Bryant unto the Conant-Bryant Power Company by an agreement of assignment made on the 14th day of April, 1910, produced on the hearing and marked "Exhibit 5".

Ordered: 2. That under section 70 of the Public Service Commissions Law the approval and consent of this Commission is hereby given to Stuart M.

Conant and Russell W. Bryant and the Conant-Bryant Power Company to the assignment of the franchise hereinbefore named ("Exhibit 1" of this proceeding), as evidenced by the agreement of assignment between Stuart M. Conant and Russell W. Bryant, parties of the first part, and Conant-Bryant Power Company, party of the second part, dated April 14, 1910, produced on the hearing and marked "Exhibit 5" attached to the petition; and further, that the consent and approval of this Commission be and hereby is given to a certain agreement made between the Village of Wilson and Stuart M. Conant and Russell W. Bryant dated February 4, 1910, providing for the lighting of the streets of said village by a contract which is to continue in force for a term of five years from the date of the execution thereof, which said agreement was produced on the hearing herein and marked "Exhibit 3"; and also that approval and consent of this Commission be and hereby is given to the assignment of said contract on the part of Stuart M. Conant and Russell W. Bryant unto the Conant-Bryant Power Company, as evidenced by the agreement of assignment "Exhibit 5" attached to the petition dated April 14, 1910, and produced on the hearing herein.

[Case No. 389]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the NISKAYUNA POWER COMPANY under section 70 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That the matter of the petition of the Niskayuna Power Company, under section 70 of the Public Service Commissions Law, for authority to acquire all of the capital stock ($100,000 common) of the Mohawk Power Company, be and is hereby closed upon the records of this Commission, it appearing by letter from Elmer J. West, general manager, dated May 11, 1910, and received by this Commission May 12, 1910, that a dismissal of the application will be satisfactory to the receivers of the company.

[Case No. 1634]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition of THE ECONOMIC POWER AND CONSTRUCTION COMPANY and the GENEVA-SENECA ELECTRIC COMPANY under section 70 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That the consent of this Commission be and it hereby is given that The Economic Power and Construction Company may sell, transfer, and assign to Geneva-Seneca Electric Company all the rights, privileges, franchises, works, and system and property of the said The Economic Power and Construction Company mentioned and described in a certain proposed contract between said corporations bearing date April 1, 1910, a copy whereof is annexed to the joint petition of said corporations dated April 30, 1910, and filed with this Commission May 6, 1910. Provided, however, and this consent is on the express condition that the said Geneva-Seneca company shall at any time within thirty days, if thereunto requested by the City of Geneva, enter into a contract with the said City of Geneva for the rental of two ducts or conduits for the carrying of electric wires in each of the Exchange street, Seneca street, and Linden street subways in the city of Geneva, being a total number of 5515.4 lineal duct feet, for a term expiring March 31, 1928, at an annual rental equal to five cents for each lineal duct foot, the rental to be payable in quarterly instalments.

[Case No. 1682]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the FULTON COUNTY GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue $99,000 par value of its 6 per cent 3-year gold notes, and for the consent of this Commission to the assignment by the Mohawk Hydro-Electric Company to the petitioner of a certain franchise under section 70 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That the consent of this Commission be and it hereby is given for the sale, transfer, and assignment by the Mohawk Hydro-Electric Company, party of the first part, to the Fulton County Gas and Electric Company, party of the second part, of a certain franchise dated May 18, 1910, granted

to said party of the first part by the town board and superintendent of highways of the Town of Ephratah, Fulton county, N. Y., a copy of which is annexed to and made a part of the petition herein and marked exhibit "G"; and it is further

Ordered: That the Fulton County Gas and Electric Company be and it hereby is permitted to construct, erect, and maintain suitable wires and other conductors, and the necessary poles, pipes, and other fixtures and other appurtenances in, over, along, under, and across the several streets, avenues, highways, public parks, and places in said town for conducting and distributing electricity for light, heat, and power purposes, in accordance with all of the terms, conditions, and specifications of the franchise hereinbefore mentioned; and to exercise all the rights and privileges for such construction which have been conferred upon the Mohawk Hydro-Electric Company by the town board of the Town of Ephratah and assigned to the petitioner as herein set forth.

[Case No. 1399]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Application, under section 70 of the Public Service Commissions Law, for consent to transfer by ELIZABETH PIERCE, HOWARD A. PIERCE, and LAURA S. FRANK to the Howard A. Pierce Electric Light Company of franchises, works, and system of an electric plant.

After due hearing and deliberation it is

Ordered: That the consent of this Commission be and hereby is given under section 70 of the Public Service Commissions Law to the sale and transfer by Elizabeth Pierce, Howard A. Pierce, and Laura S. Frank to the Howard A. Pierce Electric Light Company, of the works, system, and franchises, consisting of a water power plant at Water Valley, a transmission line from Water Valley to the village of Hamburg, Erie county, and of a distribution system in said village, owned and operated by Elizabeth Pierce, Howard A. Pierce, and Laura S. Frank, as described and set forth in a certain inventory of said plant and property made by Howard A. Pierce, verified May 10, 1910, and filed with this Commission May 23, 1910.

The agreements, contracts, and franchises to whose transfer permission is hereby given are the following:

Agreement made July 28, 1897, between the Village of Hamburg and Herbert D. Pierce, being the franchise for the exercise of certain rights in the village of Hamburg, attached to the petition herein and marked Exhibit A.

Agreement between the Town of Hamburg and Herbert D. Pierce dated June 23, 1906, being a similar franchise for the town of Hamburg, attached to the petition herein and marked Exhibit B.

Agreement made December 6, 1909, between Howard A. Pierce, Laura S. Frank, and Elizabeth Pierce, and Howard A. Pierce Electric Light Company, attached to the petition herein and marked Exhibit C, which said agreement is approved in so far as concerns the transfer of the franchises, rights, and contracts therein named, but not as to the purchase price therefor therein stipulated.

[Case No. 1691]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of GEORGE W. DUNN, CHARLES W. ANDREWS, and MILTON DELANO as Receivers of the Hudson River Electric Power Company, under section 70 of the Public Service Commissions Law.

On reading and filing the petition of George W. Dunn, Charles W. Andrews, and Milton Delano as Receivers of the Hudson River Electric Power Company, verified on the 31st day of May, 1910, and filed in this office on the 15th day of June, 1910, under section 70 of the Public Service Commissions Law, for consent of this Commission to the extension of a certain lease for the steam power plant and property at Utica, N. Y., the apparatus contained in the sub-stations at Little Falls, Frankfort, and Oriskany, and the high tension line from Utica to Clark Mills, all being the property of the Hudson River Electric Power Company, to the Utica and Mohawk Valley Railway Company for a term of one year beginning December 1, 1908, said lease having been approved by order of this Commission dated the 30th day of December, 1908;

Ordered: That the consent of this Commission be and it hereby is given under section 70 of the Public Service Commissions Law to the extension of said lease by George W. Dunn, Charles W. Andrews, and Milton Delano as Receivers of Hudson River Electric Power Company to the Utica and Mohawk Valley Railway Company, during the life of the receivership of said petitioners, of the steam power plant and property of said Hudson River Electric Power Company located at Utica, N. Y., the apparatus contained in the sub-stations to said plant at Little Falls, Frankfort, and Oriskany, and the high tension transmission line from Utica to Clark Mills, said extension of lease to be in accordance with terms and provisions of the proposed agreement of extension and of an order entered by the United States Circuit Court for the Northern District of New York authorizing said extension of lease, copies of which proposed agreement and court order are annexed to and made a part of the petition herein; and it is

Further Ordered: That this Commission hereby consents that the parties to said lease may exercise all the rights previously granted and secured by said lease.

[Case No. 1679]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petitions of MARION BORDEN HALLIDAY and NEWBURGH LIGHT, HEAT AND POWER COMPANY under section 70 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That pursuant to section 70 of the Public Service Commissions Law this Commission hereby consents that Marion Borden Halliday may sell and transfer to Newburgh Light, Heat and Power Company the certain franchise, works, and system owned and operated by her in the town of Shawangunk, Ulster county, consisting of a franchise granted said Marion Borden Halliday and her assigns by the town board of the Town of Shawangunk on or about March 20, 1908, and the system of poles and wires for the transmission of electric energy in said town, constructed in the exercise of the rights and privileges under said franchise; and that the Newburgh Light, Heat and Power Company may acquire, hold, and operate said works, system, and franchise, the purchase and sale to be in pursuance of the terms of agreement by and between said parties bearing date April 23, 1910, and wherein the purchase price is given as $5000.

[Case No. 1754]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition under section 70 of the Public Service Commissions Law, of CLARENCE MULKINS for consent to transfer to Carleton A. Graves an electric plant in the village of Walton.

After due deliberation it is

Ordered: That the approval of this Commission be and it is hereby given that Clarence Mulkins may transfer to Carleton A. Graves, for the sum of $5000, the electric plant, consisting of water power, buildings, saw mill, planing mill, shingle mill, dynamo, and electric distribution system in the village of Walton, and that said Carlton A. Graves may purchase, acquire, hold, and operate such electric plant.

[Case No. 1735]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the LIMA-HONEOYE ELECTRIC LIGHT AND RAILROAD COMPANY and the LIMA-HONEOYE LIGHT COMPANY for consent to transfer and lease of property and franchises under sections 54 and 70 of the Public Service Commissions Law.

The Lima-Honeoye Electric Light and Railroad Company and the Lima-Honeoye Light Company having filed with this Commission their joint petition under sections 54 and 70 of the Public Service Commissions Law, for approval and consent to the lease, with an option of purchase, of the franchises and property of the said Lima-Honeoye Electric Light and Railroad Company to the said Lima-Honeoye Light Company, and a public hearing on said petition having been held by this Commission in the city of Rochester on August 4, 1910; now upon the aforesaid petition and papers attached, and after due deliberation, it is

Ordered: That the consent of this Commission be and it hereby is given to the Lima-Honeoye Electric Light and Railroad Company to lease to the Lima-Honeoye Light Company, its successors or assigns, the entire railroad system and rolling stock connected therewith of the Lima-Honeoye Electric Light and Railroad Company operating between the villages of Lima and Honeoye Falls, N. Y., its electric light plant and property located in said villages, together with all the distributing and transmission system connected therewith, and every thing appurtenant thereto, and its franchises, rights, and property of every name and nature for doing business in and between said villages, in accordance with the terms and conditions of a certain agreement to lease made and entered into by and between the aforesaid companies, a copy of which is on file and made a part of the petition herein and marked Exhibit A.

[Case No. 1847]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition of the FROST GAS COMPANY of Fredonia, N. Y., and the BROCTON GAS AND FUEL COMPANY of Brocton, N. Y., for permission to the Frost Gas Company to purchase all of the stock of the Brocton Gas and Fuel Company issued and outstanding.

After due hearing and deliberation it is

Ordered: That the Frost Gas Company of Fredonia, N. Y., be and it is hereby authorized to purchase and acquire all of the capital stock of the Brocton Gas and Fuel Company of Brocton, N. Y., said stock consisting of

one hundred shares of the par value of $100 each, and that said Frost Gas Company be and is hereby authorized to hold the said stock.

[Cases Nos. 1854, 1855]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of CHARLES A. COX, ERNEST W. RICE, and THEODORE P. BALL under section 70 of the Public Service Commissions Law for consent to transfer a franchise to The Hannibal Electric Company.

After due hearing and deliberation it is

Ordered: That the consent of this Commission be and it is hereby given to Charles A. Cox, Ernest W. Rice, and Theodore P. Ball of the village of Hannibal, Oswego county, N. Y., party of the first part, to sell, transfer, and assign to The Hannibal Electric Company, a domestic corporation organized and existing under and by virtue of the laws of the State of New York, party of the second part, all right, title, and interest in and to a certain franchise granted to the party of the first part by the board of trustees of the Village of Hannibal, Oswego county, N. Y., on the 3rd day of January, 1910, a certified copy of which is annexed to and made a part of the petition herein; by the terms of which franchise the Village of Hannibal granted to the said party of the first part the necessary rights and privileges for the construction, maintenance, and operation of an electric light and power distributing system in, through, and over the streets, avenues, and public places of the said village of Hannibal.

[Case No. 1878]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition, under section 70 of the Public Service Commissions Law, of JAMES W. STEARNS, GERSON A. STEARNS, HENRY H. ARGUE, PETER GRADER, and the UNITED NATURAL GAS COMPANY (of Pennsylvania), for consent to the transfer by said individuals to said company of a franchise and works and system of a natural gas plant in the town of Elma, Erie county.

Whereas, The petitioners herein have presented to this Commission a petition dated the 19th day of September, 1910, showing that the petitioners,

James W. Stearns, Gerson A. Stearns, Henry H. Argue, and Peter Grader, are associated together in business under the name of Stearns & Grader Company, unincorporated; and further showing that the said Gerson A. Stearns is at the present time the owner of a certain franchise in the form of a resolution of the town board of the Town of Elma passed on the 28th day of May, 1907, giving and granting to the said Gerson A. Stearns, his heirs, executors, administrators, and assigns, permission and consent to construct a pipe line with mains, conduits, etc., along and upon the said highways of the town of Elma as he shall require, for the purpose of conveying and distributing natural gas and vending said gas to the consumers thereof, on conditions named therein: one of them being that the price per thousand cubic feet of gas be not more than 32½ cents, with a discount of 2½ cents if paid within the first ten days of each month, for all gas furnished through or by means of said pipe lines to consumers within the said town of Elma on the route of such pipe line, which said franchise in the shape of said resolution is attached to the petition herein and marked Exhibit "A"; and

Whereas, The said petitioners have further entered into an agreement for the sale and transfer on the part of said James W., Gerson A., Stearns and his associates, as hereinbefore named, to the Natural Gas Company, of said franchise and certain gas wells, material, pipe and pipe lines set forth in said agreement which is attached to said petition and marked Exhibit "D"; and a hearing upon said petition having been had, after due notice given, at which no one appeared in opposition, but *Edward Tolma* appeared and stated that as representing the Town he agreed and consented to the transfer; it is

Ordered: That the permission and approval of this Commission be and hereby is given, under section 70 of the Public Service Commissions Law, to James W. Stearns, Gerson A. Stearns, Henry H. Argue, and Peter Grader to the transfer of the said franchise and the works and systems of the Stearns & Grader Company, as named in said Exhibit "D" attached to the said petition, to the United Natural Gas Company, and that the agreement of September 1, 1910 (Exhibit "D"), be and the same is hereby approved.

[Case No. 1889]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition of MORITZ MAYER and the SYRACUSE LIGHTING COMPANY under section 70 of the Public Service Commissions Law for consent to the assignment by said Moritz Mayer to said company of certain rights and franchises.

After hearing and due deliberation in the above entitled matter it is

Ordered: That the consent of this Commission be and it hereby is given to Moritz Mayer of the city of Syracuse, N. Y., to sell, transfer, and assign all his right, title, and interest to and in the following described franchises, copies of which are annexed to and made a part of the petition herein, to the Syracuse Lighting Company, a domestic corporation organized and existing under and by virtue of the Transportation Corporations Law of the State of New York, (1) a franchise granted by the Village of Camillus, N. Y., to the said Moritz Mayer on the 8th day of October, 1909; (2) a franchise

granted by the town board and the town superintendents of highways of the Town of Camillus, N. Y., to said Moritz Mayer on the 4th day of November, 1909; (3) a franchise granted by the village board of the Village of Solvay, N. Y., to the said Moritz Mayer on the 16th day of November, 1909; that the said transfers shall be made in accordance with the terms and conditions of an agreement entered into by and between said Moritz Mayer and the Syracuse Lighting Company, copy of which is annexed to and made a part of the petition herein; and

It is further Ordered: That the said Syracuse Lighting Company as assignee be and it hereby is permitted to exercise all the rights and privileges for construction, maintenance, and operation of electric distributing systems in, over, through, upon, and across the streets, avenues, highways, and public places of the municipalities above mentioned.

[Case No. 1946]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of WILLIAM STOCK, under section 70 of the Public Service Commissions Law for permission to transfer certain property, rights, and franchises to the Hannibal Electric Company.

After due hearing and deliberation it is

Ordered: That William Stock of the village of Hannibal, Oswego county, New York, be and he hereby is permitted to sell, transfer, and assign to the Hannibal Electric Company, a domestic corporation organized and existing under and by virtue of the laws of the State of New York, all his right, title, and interest to and in the property of a certain electric transmission system in process of construction from the city of Fulton, N. Y., through the towns of Granby and Hannibal, Oswego county, N. Y., to the village of Hannibal, N. Y.; together with all the rights and franchises heretofore granted to said William Stock for the construction, maintenance, and operation of the said electric transmission system above described: namely, franchises granted by the Village of Hannibal, the Town of Granby, and the Town of Hannibal, on or about March 1, 1909.

It is further Ordered: That the said Hannibal Electric Company, as assignee, be and it hereby is permitted to exercise all the rights and privileges granted by said franchises to William Stock, the assignor and petitioner herein, for the use and occupation of the streets, highways, and public places of the said village and towns, and for the construction, erection, maintenance, and operation of poles, wires, and all necessary conduits and fixtures for the transmission of electric energy for light, heat, and power purposes in the above mentioned localities.

[Case No. 1946]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the HANNIBAL ELECTRIC COMPANY of Hannibal, N. Y., and others, for permission under section 70 of the Public Service Commissions Law to transfer certain property, rights, and franchises.

Whereas, It appears by the petition and the testimony taken at a public hearing held herein on the 9th day of November, 1910, that the Hannibal Electric Company, a domestic corporation organized and existing under and by virtue of the laws of the State of New York, is the owner of certain franchises which it desires to sell, transfer, and assign to the Oswego River Power Transmission Company, a domestic corporation, in accordance with the terms, conditions, and specifications of a certain agreement entered into on the 11th day of October, 1910, by and between the said Hannibal Electric Company, Charles A. Cox and Ernest W. Rice doing business under the firm name and title of Cox & Rice, in the village and town of Hannibal, Oswego county, N. Y., as party of the first part, and Oswego River Power Transmission Company, a domestic corporation having its principal office in the city of Syracuse, N. Y., as party of the second part, a copy of which is annexed to and made a part of the petition herein and marked Schedule L; now therefore, after due deliberation, it is

Ordered: 1. That the Hannibal Electric Company be and it hereby is permitted to sell, transfer, and assign all its right, title, and interest to and in the following described franchises to the Oswego River Power Transmission Company: (*a*) a franchise granted by the town board and town superintendent of highways of the Town of Hannibal on the 12th day of August, 1910; (*b*) a franchise granted by the town board and the town superintendent of highways of the Town of Granby on the 11th day of August, 1910; (*c*) a franchise granted by the president and board of trustees of the Village of Hannibal on the 3rd day of January, 1910, to Theodore P. Ball, Charles A. Cox, and Ernest W. Rice, and subsequently assigned to the Hannibal Electric Company pursuant to this Commission's order entered on the 4th day of October, 1910; copies of the above mentioned franchises being annexed to and made a part of the petition herein and marked Schedules A, B, and C, respectively; (*d*) franchises granted to William Stock on or about March 1, 1909, by the Village of Hannibal, the Town of Granby, and the Town of Hannibal respectively, and transferred thereafter to Charles A. Cox and Ernest W. Rice as copartners, pursuant to the terms and conditions of the contract thereafter entered into by and between the aforesaid parties, a copy of which is annexed to and made a part of the petition herein and marked Schedule A.

Ordered: 2. That Charles A. Cox and Ernest W. Rice, as copartners, be and hereby are permitted to sell, transfer, and assign all their right, title, and interest to and in certain rights and privileges for the erection of poles and wires and the maintenance and operation of an electric transmission system over, upon, and adjacent to the property of the grantors thereof in the towns of Hannibal and Granby, Oswego county, N. Y., which said rights of way or consents of property owners were duly sold and conveyed by said William Stock to said Charles A. Cox and Ernest W. Rice on the 14th day of April, 1910.

Ordered: 3. That Charles A. Cox and Ernest W. Rice be and hereby are permitted to sell, transfer, and assign all their right, title, and interest to all of the cedar poles and other property of whatsoever nature in which they may have an interest, which forms a part of the transmission line now in course of construction through the towns of Granby and Hannibal and in the village of Hannibal, N. Y.

Ordered: 4. That the Hannibal Electric Company, Charles A. Cox and Ernest W. Rice, be and they hereby are permitted to sell, transfer, and assign to Oswego River Power Transmission Company the entire transmission line and distributing system between the city of Fulton, N. Y., and the village of Hannibal, N. Y., and the distributing system in said village of Hannibal, together with all the poles, franchises, rights, and privileges connected therewith, or which the said Hannibal Electric Company, Charles A. Cox, or Ernest W. Rice, or the firm of Cox & Rice, may have in any manner acquired for use or enjoyment in the building, maintaining, and operating of said transmission line, all in accordance with the terms and conditions of the contract hereinbefore mentioned as Schedule L of the petition herein.

[Case No. 1817]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Petition of the Dunkirk Power and Heating Company, the Dunkirk Distribution Company, and the Dunkirk Electrical Manufacturing Company for permission to the Dunkirk Power and Heating Company to transfer certain of its works and property to Dunkirk Distribution Company, and certain other of its works and property to the Dunkirk Electrical Manufacturing Company, pursuant to section 70 of the Public Service Commissions Law.

The petition in the above entitled proceeding having been filed with the Public Service Commission, Second District, on the 12th day of August, 1910, and an order having been made on the 20th day of August, 1910, directing that a public hearing be held in the city of Buffalo on Friday, August 26, 1910, and that notice of this hearing be published; and the said hearing having been held at the office of the Commission, No. 1216 Chamber of Commerce Building, in the city of Buffalo, on the 26th day of August, 1910, at which time there was filed with the Commission proof by affidavit of the publishing of notice of this hearing in the Dunkirk Evening Observer on August 23, 1910, and in the Dunkirk Herald on August 24, 1910, and the petitioners appearing by *Adelbert W. Cummings*, president of each of the three petitioning corporations, by *Harry T. Litchfield*, secretary of the Dunkirk Power and Heating Company, and by *Herman J. Westwood*, attorney for the petitioners, no one appearing in opposition thereto; and amended schedules "F," "G," and "H" having, pursuant to permission granted by the Commission, been filed and annexed to the said petitions; and due deliberation having been had

Ordered: 1. That the permission of this Commission be and the same hereby is granted to the Dunkirk Power and Heating Company to transfer

to the Dunkirk Electrical Manufacturing Company all of the property mentioned in the amended schedule "F" annexed to the petition, at the price and for the sum of forty-five thousand seven hundred eighty-nine dollars and seven cents ($45,789.07).

Ordered: 2. That the permission of this Commission be and the same hereby is granted to the Dunkirk Power and Heating Company to transfer and set over to the Dunkirk Distribution Company all of the property mentioned in the amended schedule "G" annexed to the petition, for and upon the payment of the sum of nine thousand one hundred fifty-nine dollars and fifty-nine cents ($9159.59).

Ordered: 3. That the permission of this Commission be and the same hereby is granted to Adelbert W. Cummings of the city of Dunkirk, New York, to lease to the Dunkirk Distribution Company so much of the franchise granted to him by the City of Dunkirk dated the 16th day of July, 1901, as pertains in any and every manner to electricity and the appurtenances thereof, which lease shall be in substantially the form of schedule "B" annexed to the petition herein.

Ordered: 4. That the permission of this Commission be and the same is hereby granted to Adelbert W. Cummings of the city of Dunkirk, New York, to lease to the Dunkirk Power and Heating Company so much of the franchise granted to the said Cummings by the City of Dunkirk, New York, on the 16th day of July, 1901, as pertains to steam and the appurtenances thereof, under and pursuant to a contract substantially like that contained in schedule "C" annexed to the petition herein.

Ordered: 5. And the petitioners having stipulated thereto, it is further ordered that the Dunkirk Electrical Manufacturing Company be and the same hereby is required to keep account of its operations in respect to owning, operating, managing, and controlling its plant for the generation of electricity, separate and distinct from any other business it may be engaged in; and this for all lawful intents and purposes, and especially for the purpose of permitting the Public Service Commission, or any proper and lawful state authority, at any time it sees fit, to regulate and control the cost of electricity and the price of electricity which the Dunkirk Distribution Company shall or may at any time be required to pay to the Dunkirk Electrical Manufacturing Company.

Ordered: 6. And the petitioners herein having stipulated thereto, it is further ordered that the contract price at which the Dunkirk Electrical Manufacturing Company shall deliver electricity to the Dunkirk Distribution Company may now or any time in the future be fixed by the Public Service Commission, either upon the institution of proper proceedings therefor or upon the motion of the Public Service Commission.

[Case No. 1580]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the HARTWICK POWER COMPANY as to acquirement of electric plant.

After due hearing and deliberation it is

Ordered: That the permission of this Commission be and it is hereby given, under section 68 of the Public Service Commissions Law, that the

Susquehanna River Power Company may sell and transfer to the Hartwick Power Company the hydro-electric development system situate at Colliers on the Susquehanna river, Otsego county, together with the high tension transmission line connecting said hydro-electric development system with the steam power electric plant in the village of Hartwick, Otsego county; and that the Hartwick Power Company may purchase and acquire said properties pursuant to the terms and provisions of the order herein authorizing said Hartwick Power Company to issue capital stock and bonds for the aforesaid purpose.

[Case No. 1504]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the BUFFALO AND LAKE ERIE TRACTION COMPANY and the NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY under section 70 of the Public Service Commissions Law for consent to transfer to the Niagara and Erie Power Company certain capital stock, franchises, and other property.

The Buffalo and Lake Erie Traction Company and the Niagara, Lockport and Ontario Power Company having filed with this Commission their petition on the 10th day of February, 1910, asking permission under section 70 of the Public Service Commissions Law to transfer certain properties and franchises therein mentioned to the Niagara and Erie Power Company; and public hearings having been had upon said applications; now therefore

Ordered: 1. That under and pursuant to the provisions of section 70 of the Public Service Commissions Law, the consent of this Commission is hereby given to the Buffalo and Lake Erie Traction Company to transfer to the Niagara and Erie Power Company the property of the said traction company owned by it in the village of Fredonia, Chautauqua county, N. Y., consisting of an electric light, gas, and heating plant, all of the capital stock of the Fredonia Natural Gas Light Company. A detailed statement of said property so to be transferred is set forth in Schedule "E" attached to the petition of the Niagara and Erie Power Company filed with this Commission on the 10th day of February, 1910; also a statement of said property is contained in Exhibit "A" attached to the affidavit of Julius G. Calisch verified March 21, 1910, and filed with this Commission March 22, 1910. Like consent is hereby given by this Commission to the transfer by said Buffalo and Lake Erie Traction Company to the Niagara and Erie Power Company of all the franchises now owned by said Buffalo and Lake Erie Traction Company in connection with said properties in the village of Fredonia, Chautauqua county, N. Y.

Ordered: 2. Pursuant to the provisions of section 70 of the Public Service Commissions Law the consent of this Commission is hereby given to the Niagara, Lockport and Ontario Power Company to sell and transfer to the Niagara and Erie Power Company the property, rights, and franchises hereinafter described and set forth: the property known as the Gardenville substation and distributing system, and high tension transmission line extending from the property of the Lackawanna Steel Company in the city of Lackawanna to the switch and transformer station of the Buffalo and Lake Erie

Traction Company at Athol Springs, N. Y., together with all customers and contracts relating thereto. Said property is particularly described in detail in Schedules "A," "B," and "C" annexed to the petition of the Niagara and Erie Power Company dated January 18, 1910, and filed with this Commission on the 10th day of February, 1910. Like consent is hereby given to the said Niagara, Lockport and Ontario Power Company to transfer to the Niagara and Erie Power Company all the franchises of every name and nature owned by it in connection with said property hereinbefore mentioned.

Ordered: 3. Pursuant to the provisions of section 68 of the Public Service Commissions Law the Niagara and Erie Power Company is hereby given permission and authority to exercise the rights contained in the franchises to be transferred by the Niagara, Lockport and Ontario Power Company and the Buffalo and Lake Erie Traction Company hereinbefore mentioned, and is also authorized to construct any new additional work thereunder.

Ordered: 4. That the permission to transfer the properties and franchises hereinbefore mentioned is made upon the express terms and conditions that two proposed contracts, both filed with this Commission on the 21st day of March, 1910: one between the Niagara, Lockport and Ontario Power Company and the Buffalo and Lake Erie Power Company and one between the Niagara and Erie Power Company and the Buffalo and Lake Erie Traction Company and the Niagara, Lockport and Ontario Power Company, shall be executed and be in full force and effect.

APPENDIX O

In the Matter of Issue of Stocks, Bonds, and Other Evidences of Indebtedness by Electrical Corporations and Gas Corporations.

APPENDIX O

[Case No. 1314]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the ORANGE COUNTY LIGHTING COMPANY of Middletown, under section 69 of the Public Service Commissions Law, for authority to issue a second mortgage for $200,000, and to issue $85,000 in convertible bonds to be secured by said mortgage, and for authority to issue capital stock for the conversion.

The Orange County Lighting Company having on November 2, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue a second mortgage for $200,000, and to issue now $85,000 in convertible bonds to be secured by said mortgage, and for authority to issue capital stock for the conversion; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on December 22, 1909, *Henry W. Wiggins* appearing for the petitioner and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That Orange County Lighting Company be and it is hereby authorized to issue its bonds, maturing in 15 years, bearing interest at the rate of 6 per cent per annum, to the amount of $82,600 par value, said bonds to be convertible into stock of the corporation, pursuant to the provisions of section 6 of the Stock Corporation Law, after two and not more than twelve years from the date of said bonds; the said bonds shall be sold at not less than the par value thereof and the proceeds of such sale shall be used for the following purposes only: (*a*) for the payment of outstanding promissory notes of the corporation, the avails of which it satisfactorily appears were used for additions and betterments to the plant of the corporation, $18,600; (*b*) for the payment of outstanding promissory notes of the corporation, the avails of which have been and are used as working capital of the corporation, $10,000; (*c*) for additions and betterments to the plant of the corporation, as follows: purchase price of Davis lot, so called, $5,000; two 350 hp. boilers, less $4,500, value of old boilers replaced, $8,000; (*d*) addition to building, $5,000; (*e*) new 250,000 cubic foot gas holder, $23,000; (*f*) piping, governor, foundations, etc., $3,000; (*g*) new gas mains, extensions only, $10,000.

Ordered: 2. That the proceeds of said bonds shall not be used for any purpose hereinbefore enumerated in excess of the amount named for such purpose, and any excess of proceeds beyond the amount necessary for each purpose named shall not be used for any purpose without further order of this Commission.

Ordered: 3. That said bonds shall not be issued with a provision for converting the same into stock until the assent of the stockholders of said corporation shall have been given thereto, pursuant to the provisions of section 6 of the Stock Corporation Law.

Ordered: 4. That said corporation be and it is hereby authorized to execute and deliver a mortgage upon its property and franchises to secure an issue of bonds to the amount of $200,000, of which amount the bonds hereinbefore authorized shall be a part, but no other or further bonds shall be issued except on the further authorization of this Commission; and that said mortgage be not executed until its proposed form has been submitted to and approved by this Commission; that in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 5. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $82,600 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said mortgage bonds; (*b*) at the termination of each and every period of six months from the date of this order the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 986]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, *Chairman*,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the PORT JERVIS LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law as to issuing capital stock, executing a mortgage, and issuing bonds under said mortgage.

This matter having been duly heard and submitted for consideration, it is

Ordered: That the form of mortgage submitted by the applicant, Port Jervis Light and Power Company, in the above entitled proceeding, to be executed by said applicant to the Orange County Trust Company as trustee, the bonds provided for therein to bear 5 per cent interest annually, payable semi-annually, to become due and payable thirty years from the date of said mortgage, be and is hereby approved; provided that the amount of money to be secured by said mortgage and the aggregate amount of bonds provided for therein and to be issued from time to time as may be authorized by this Commission shall be not less than two hundred thousand dollars ($200,000).

It is further Ordered: That in the opinion of the Commission an issue of capital stock, and an issue of bonds under said mortgage, are reasonably required for the lawful purposes of said applicant, Port Jervis Light and Power Company, and are hereby authorized as follows, to wit:

1. An issue of capital stock to the amount of one hundred and eighteen thousand dollars ($118,000), the same or the proceeds thereof upon sale at par value to be used for the acquisition of the gas and electric properties

heretofore owned by the Port Jervis Electric Light, Power, Gas and Railroad Company, that title to which is now, under sale on foreclosure, in a committee of bondholders representing the ownership of bonds of said last named company and to which said last named company the applicant herein will be the successor in ownership and operation.

2. An issue of bonds under said mortgage amounting to one hundred and eighty-two thousand dollars ($182,000), bearing 5 per cent interest annually, maturing thirty years from the date of said mortgage, the said bonds to be sold at not less than 90 per cent of the par value thereof, provided that the proceeds from the sale of such bonds shall be devoted (*a*) to the acquisition of bonds of the Port Jervis Traction Company to the amount of seventy thousand dollars ($70,000) at 90 per cent of the par value thereof; (*b*) to the payment and discharge of reorganization expenses caused by the sale of the properties of the Port Jervis Electric Light, Power, Gas and Railroad Company shown upon the record herein and amounting to twenty-five thousand five hundred and forty-one dollars and forty cents ($25,541.40); (*c*) the remainder of said proceeds to the improvements and additions to the said gas and electric properties which are specified in the schedule thereof annexed to the petition herein, and for no other purpose whatsoever; (*d*) that any balance of said proceeds from the sale of said bonds not required for the said improvements and additions to said gas and electric properties as specified in said schedule shall be used by the applicant as and for working capital and so charged upon its records and accounts.

It is further Ordered: That the applicant, Port Jervis Light and Power Company, shall make a verified report at least once every six months, showing in detail the use and application by it of the moneys so realized, until such moneys shall have been fully expended.

[Case No. 1271]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the PORT JERVIS LIGHT AND POWER COMPANY, supplementary to its petition relative to issuing capital stock, notes or scrip, mortgage and bonds.

This matter having been duly heard and submitted for consideration, it is

Ordered: That the applicant, Port Jervis Light and Power Company, be and is hereby authorized to acquire bonds of the Port Jervis Traction Company to the amount of seventy thousand dollars ($70,000), which said issue of bonds by the Port Jervis Traction Company has this day been authorized by the Commission.

[Case No. 1281]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of OSWEGO RIVER POWER TRANSMISSION COMPANY under section 69 of the Public Service Commissions Law for authority to issue a mortgage for one hundred thousand dollars, and to issue sixty thousand dollars of bonds to be secured by said mortgage.

Whereas, The petitioner herein having filed its petition dated September 8, 1909, praying for permission to issue for the purposes therein set forth its twenty-year 5 per cent gold bonds to the amount of $60,000, and for the approval of the Commission of the form of mortgage submitted with said petition covering a series of $100,000 par value of such bonds, of which the said amount of $60,000 par value to be presently issued constitutes a part; and

Whereas, Since the filing of said petition the petitioner has filed with this Commission an amended petition dated January 8, 1910, in which it asks for the authorization and approval of the Commission of the aforesaid amount of $60,000 par value of bonds upon amended schedules of liabilities to be refunded and new construction work to be undertaken, which said schedules are attached to said amended petition and constitute a part thereof; and

Whereas, The petitioner in said amended petition has submitted a new balance sheet as of date December 31, 1909, in which its original valuation of the rights of way for its transmission line has been reduced to the sum of $10,000; and hearings upon said petitions having been had,

Ordered: 1. That the petitioner, the Oswego River Power Transmission Company, be and it is hereby authorized to execute and deliver to the Utica Trust and Deposit Company its mortgage in the total sum of $100,000, securing a series of two hundred bonds of $500 par value each, payable twenty years from date, with interest at the rate of 5 per cent per annum, and also containing a redemption clause at the rate of 5 per cent premium to be exercised after a period of three years from date.

Ordered: 2. That the form of said mortgage submitted with the petition and now on file with the Commission be and the same is hereby approved.

Ordered: 3. That the petitioner, the Oswego River Power Transmission Company, be and it is hereby authorized and empowered presently to issue of the total series covered by said mortgage bonds to the par value of $60,000, to be dated October 1, 1909, and payable twenty years from date in gold coin, with interest to be paid semiannually at the rate of 5 per cent per annum, and that said bonds shall be sold at a price not less than 85 per cent of the par value thereof without further discount for commissions or brokerage or any other charges.

Ordered: 4. That the proceeds of the sale of said $60,000 par value of said bonds shall be used by the petitioner for the following purposes and no other: (*a*) For the payment and satisfaction of note obligations of the petitioner amounting in the aggregate to $15,731.79, being the note obligations set forth in section 5 of said amended petition at the sum of $16,689.79, and which are further itemized in a letter of S. B. Storer written to the Commission under date of January 22, 1910, and filed with the record herein, with the exception

of one item of note due S. B. Storer, one month, $958; the note obligations above authorized to be paid being all the other note items mentioned in said letter of January 22, 1910, but no interest charges set forth in said schedule either due or to become due shall be refunded. (*b*) For the satisfaction and payment of accounts payable by the petitioner which are set forth in section 5 of said amended petition at the amount of $2122.40, which said amount was further itemized in said letter of S. B. Storer, president, under date of January 22, 1910, and of which said items of accounts payable the following only are authorized to be paid from the proceeds of the bonds hereinbefore set forth: Crouse, Hinds & Co., line construction material, $127.40; Rogers & Hilton, reconstruction of transformer, $724.05; N. M. White, legal services for work in connection with rights of way, $103.38; N. W. Storer, money advanced to the company and used in general construction work, $200: being a total of $1154.83. Also a further item of $500 to be used for the payment of mortgage on sub-station site at Fulton. Also money advanced to the petitioner by George W. Pulver, $4250; money advanced to the petitioner by S. B. Storer, $4010.40; but no interest due or to become due on the above items is authorized to be refunded. (*c*) For working capital, $5000. For new construction work of the petitioner as set forth in Schedule A attached to said amended petition, being the affidavit of Simon B. Storer verified January 8, 1910, as follows: Site for sub-station, Baldwinsville, $500; additional rights of way to reach sub-station, $200; 6 miles pole line Baldwinsville to Phœnix: 300, 35 ft. or 30 ft. 7 in. top cedar or chestnut poles, $1800; setting and guying above poles, $900; 350 4 in. cross-arms, $56; completion of line Baldwinsville to Oswego: 1500 35,000-volt insulators (2500 in stock) $500; 4000 pins for above insulators, $400; stringing 75 miles of wire. $1500; sub-station building (brick) at Fulton, $3500; additional lightning arresters: 2 sets 33,000 volt, $1500; 2 sets 6600 volt, $600; automatic voltage regulator (10% on 1000 hp. 6600 volts), $2500; automatic voltage regulator (10% on 300 hp. 2200 volts), $600; additional recording meters. $2000; additional distributing switchboards, $1000; balance of reconstruction of brick building at Phœnix, $1825; engineering, superintendence, legal services, and incidentals, $2500: total aggregating $21,881. Summary of above: notes to be refunded, $15,731.79; accounts to be refunded, $9915.23; working capital, $5000; new construction work, $21,881: total, $52,528.02.

Ordered: 5. That in the opinion of the Commission the use of the capital to be secured by the issue of said bonds is reasonably required for the purposes of the petitioner as hereinbefore set forth.

Ordered: 6. That said company shall make verified report to this Commission, as follows: (*a*) upon the sale of said $60,000 in mortgage bonds or any of them, the fact of such sale, the terms and condition of sale, and the amounts realized therefrom which shall not be less than 85 per cent of the par value thereof without further discount for commissions or brokerage or any other charges; (*b*) at the termination of each and every period of six months from the date of this order the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such report shall be made until all of the proceeds of said mortgage bonds have been expended, pursuant to the terms of this order.

[Case No. 1421]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the amended petition of the RENSSELAER FALLS ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue $6000 in common capital stock, $100 shares.

The Rensselaer Falls Electric Light and Power Company having on January 5, 1910, filed with this Commission an amended petition under section 69 of the Public Service Commissions Law for authority to issue $6000 in common capital stock, the proceeds of the sale thereof to be used for purposes hereinafter stated; now upon the aforesaid amended petition and papers filed, and after due deliberation, it is

Ordered: 1. That Rensselaer Falls Electric Light and Power Company be and it is hereby authorized to increase its capital stock from the sum of $2000 to the sum of $8000, and to issue said capital stock to the amount of $6000, the said stock to be used in paying an indebtedness of said corporation to Morrison Blair & Co., amounting to $5559.72, which indebtedness was incurred in making additions and extensions to the plant of said corporation, and the remainder of the proceeds of said stock to be used in completing the extension of the distributing system of said corporation to DeKalb Junction and putting the same in working order; that in the opinion of the Commission the capital to be secured by the issue of said stock is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $6000 capital stock or any part thereof. the fact of such sale. the terms and conditions of sale, and the amounts realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order. the disposition and use made of the proceeds of said capital stock. setting forth in reasonable detail the purposes to which the proceeds have been devoted. in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said capital stock have been expended, pursuant to the terms of this order.

[Case No. 741]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Application of the BINGHAMTON LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law.

On the 4th day of August, 1909, this Commission, by formal resolution and order, denied the application of the Binghamton Light, Heat and Power Company for authorization to issue bonds to the amount of $180,000 and preferred stock to the amount of $50,000, adopting the opinion of Commissioner Stevens as the opinion of the Commission, but continuing the proceeding for the purpose of enabling the applicant to proceed thereunder upon lines suggested in such opinion if it should so desire. On the 5th day of August, 1909, the Commission advised the attorneys for the applicant of such denial and of the continuance of the proceeding for the purpose aforesaid. Among other things, the Commission advised the applicant through its attorneys as follows: "You will understand that the Commission is ready at any time to grant a bond or stock issue to take care of any portion of the notes for $158,000 now outstanding which can clearly and without doubt be shown to have been used in making additions and betterments and not for replacements. It is also willing to grant stock or bond issue for the same purpose although the proceeds of the notes may have been used for replacements, provided a satisfactory readjustment can be made in the accounts of the company sufficient to meet the objections of the Commission with the present condition of affairs." After conference with representatives of the company, the Commission, on the 24th day of August, 1909, further advised the attorneys for the applicant as follows: "The point under consideration is the issuance of bonds to discharge outstanding notes amounting to $158,000. It is assumed that this indebtedness was incurred in constructing replacements and that the replaced property stands charged to fixed capital in the accounts of the company, as well as the new construction for which indebtedness was incurred. The objections to issuing the bonds while the accounts of the company stand in this form are stated in the opinion heretofore given. Under these circumstances several courses are open to the company: *First*, the company is at liberty to ask for a further hearing upon which it can present proof showing or tending to show that the foregoing assumption of fact is incorrect; that in fact the cost or value of the replaced property is properly retained in the charge to fixed capital; *Second*, the next course open is for the company to credit fixed capital with the sum of $158,000, the amount of the notes; *Third*, another way of meeting the situation would be to credit fixed capital with $158,000, as in the foregoing paragraph, and in order to avoid a deficit reduce the amount of capital stock in the same sum; *Fourth*, assuming that none of the foregoing courses are acceptable, there remains another which is as follows: The company can, by a suitable covenant in the new mortgage, set apart the whole or some part of its net income for the creation of a fund to make good the deficit which exists to the amount of $158,000."

No further hearing, pursuant to the aforesaid suggestions of the Commission contained in its formal order and in the communications quoted from, has been asked for by the applicant. A very considerable amount of informal discussion has been had. The attention of the Commission has been called to the provisions of the mortgage proposed to be executed by the applicant as

security for the bonds, particularly the sinking fund provisions contained in Article 4, and the applicant is understood to have assented, so far as it is able to do so without a meeting of its stockholders, to a reduction of its capital stock to the amount of $100,000, to the end that thereby its fixed capital may be credited with said sum of $100,000.

This Commission believes and understands, as set forth in its opinion, that the proceeds of the notes to the amount of $158,000 mentioned in the petition of the applicant, were used for purposes properly chargeable to operating expenses, and that they are not therefore proper subjects of capitalization without adjustment and provision for meeting the same out of income. It believes, however, that the provisions contained in Article 4 of the proposed mortgage, coupled with the credit to the fixed capital of the corporation to the amount of $100,000, will, so far as practicable at the present time, meet the objections of the Commission set forth in its opinion to the capitalization of said sum of $158,000. In view of the situation as it is thus presented, it is

Ordered: 1. That the Binghamton Light, Heat and Power Company be and it is hereby authorized to execute and deliver to the Knickerbocker Trust Company of the city of New York as trustee, a general extension and refunding mortgage in the form and containing the conditions of the proposed form thereof filed with this Commission, conditioned to secure the issue of its forty-year 5 per cent gold bonds to the aggregate amount of $1,000,000. This authorization however not to be construed to authorize the issue of any of said bonds except as hereinafter particularly set forth.

Ordered: 2. That the said Binghamton Light, Heat and Power Company be and it is hereby authorized to issue upon the security of said mortgage its 5 per cent forty-year gold bonds to the amount of $500,000, said bonds to said amount of $500,000 to be used for the sole and only purpose of refunding the outstanding bonds of said company to the amount of $500,000 secured by the first refunding mortgage of said corporation to the United States Trust Company of New York. Said bonds may be sold at par or exchanged for said outstanding bonds par for par. If the company shall desire to sell or exchange said bonds on other terms than those specified, it shall make further application to this Commission for authorization so to do.

Ordered: 3. That the said Binghamton Light, Heat and Power Company be and it is hereby authorized to issue its forty-year 5 per cent gold bonds upon the security of the hereinbefore authorized mortgage to the further amount of $197,500. The said bonds to the said amount of $197,500 or the avails thereof to be used for the sole and only purpose of paying and discharging an indebtedness of the said company to the amount of $158,000, which indebtedness was at the time of making the application for this authorization evidenced by seventeen promissory notes of the company, the principal of which aggregated said sum of $158,000. Said bonds or the avails thereof shall be applied to the payment or discharge of the said indebtedness and the obligations by which it is now evidenced. Said bonds shall not be sold or disposed of at less than 80 per cent of their par value, and in case they shall be sold at a greater price than 80 per cent of said par value and any sum or sums in excess of said $158,000 be realized from the sale thereof, such excess amount shall not be used for any purpose without further authorization of this Commission. Provided that this authorization is upon condition, to be assented to by said Binghamton Light, Heat and Power Company, that contemporaneously with issuing said bonds to said amount of $197,500, or any part thereof, it shall credit its fixed capital with the sum of $100,000, which may be accomplished by a reduction of the common capital stock of said company to a like amount; and this authorization to issue bonds to said amount of $197,500 shall not become effective until said company shall have filed with this Commission its written acceptance of said condition. That in the opinion of the Commission the capital to be secured by the issue of the bonds herein authorized upon the terms of such authorization is reasonably required for the aforesaid purposes of the corporation.

Ordered: 4. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $500,000 in mortgage bonds authorized by this order, or upon their exchange for said outstanding bonds, the facts in relation to such sale or exchange; (*b*) upon the sale of said $197,500 in mortgage bonds authorized by this order the facts in relation to such sale, or upon their use for the discharge of said indebtedness of $158,000 the facts thereof; (*c*) that said $500,000 in outstanding bonds and said indebtedness of $158,000 have been refunded or discharged, in accordance with the terms of this order, when this has been accomplished.

[Case No. 1429]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

Petition of the ELMIRA WATER, LIGHT AND RAILROAD COMPANY under sections 68, 69, and 70 of the Public Service Commissions Law, as to construction and exercise of franchises, issuing $20,000 in mortgage bonds, and acquiring all of the capital stock of and merging the Montour Falls Electric Light Company.

The Elmira Water, Light and Railroad Company having on December 27, 1909, filed with this Commission its petition under sections 68, 69, and 70 of the Public Service Commissions Law: (1) under section 68 for permission to construct, lay down, and maintain pipes, suitable wires and other conductors and fixtures in and under the streets, highways, and public places in the town of Elmira, Chemung county, for the purpose of furnishing and distributing artificial and natural gas and electricity in the said town and to the inhabitants thereof, and for permission to construct, erect, and maintain suitable wires, conductors, and fixtures in and under the streets, highways, and public places in the towns of Horseheads and Veteran, Chemung county, and the town of Montour, Schuyler county, for the purpose of furnishing and distributing electricity in said towns and to the inhabitants thereof, and for approval of the exercise by said company of rights and privileges under franchises therefor received by said company from municipal authorities; (2) under section 69 for authority to issue $20,000 in mortgage bonds; (3) under section 70 for authority to acquire all of the capital stock of the Montour Falls Electric Light Company and to merge said company with itself; and a hearing on said petition, after due notice, having been held by this Commission in the city of Albany on January 19, 1910, *Reynolds, Stanchfield & Collin* appearing for the petitioner and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the said Elmira Water, Light and Railroad Company be and it hereby is permitted to construct, lay down, and maintain pipes, suitable wires and other conductors and fixtures in and under the streets, highways, and public places in the town of Elmira, Chemung county, New York, outside of the city of Elmira, for the purpose of furnishing and distributing artificial and natural gas and electricity in the said town and to the inhabitants thereof, and that it be and hereby is permitted to construct, erect, and maintain suitable wires, conductors, and fixtures in and under streets, highways, and public places in the towns of Horseheads and Veteran, Chemung

county, New York, and the town of Montour, Schuyler county, New York, for the purpose of furnishing and distributing electricity in said towns and to the inhabitants thereof; and that it be and hereby is permitted to exercise the rights and privileges for such construction and operation conferred on the applicant by franchises granted by the town boards of Montour, November 17, 1909; Veteran, November 19, 1909; Horseheads, November 20, 1909; and Elmira, November 26, 1909, copies of which are annexed to the petition herein and marked Exhibits B, 1, 2, 3, and 4 respectively, and filed with this Commission.

Ordered: 2. That the Elmira Water, Light and Railroad Company be and it hereby is authorized to issue twenty thousand dollars ($20,000) par value of its first consolidated mortgage 5 per cent fifty-year gold bonds for the purpose of the acquisition of the capital stock of the Montour Falls Electric Light Company, and the construction of the aforesaid electric line and the improvement of the property of the said Montour Falls Electric Light Company as set forth in the petition herein. That in the opinion of this Commission the use of the capital to be secured by the issue of such bonds is reasonably required for the said purposes of the corporation, to wit, the acquisition of the capital stock of the Montour Falls Electric Light Company and the construction of the line and the improvement of the property of the said Montour Falls Electric Light Company.

Ordered: 3. That the Elmira Water, Light and Railroad Company of Elmira, New York, be and it hereby is authorized to acquire all of the capital stock of the Montour Falls Electric Light Company, being one hundred shares off stock of the par value of ten thousand dollars ($10,000), and to merge the said Montour Falls Electric Light Company in accordance with the provisions of section 16 of chapter 50 of the consolidated laws known as Stock Corporation Law, and to conduct the business heretofore carried on by said Montour Falls Electric Light Company in the name of the petitioner.

Ordered: 4. That said Elmira Water, Light and Railroad Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $20,000 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom: (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order: and that such reports shall be made until all of the proceeds of said capital stock have been expended, pursuant to the terms of this order.

[Case No. 1451]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the NORTH CREEK ELECTRIC COMPANY under section 68 of the Public Service Commissions Law as to construction and exercise of franchises, and under section 69 of the Public Service Commissions Law as to issuing common capital stock, a mortgage, and mortgage bonds.

The North Creek Electric Company having on December 24, 1909, filed with this Commission its petition under sections 68 and 69 of the Public Service

Commissions Law: (1) under section 68 for permission to construct, maintain, and operate in the town of Johnsburg, Warren county, suitable wires and other conductors and the necessary poles, pipes, conduits, fixtures, and appurtenances in, under, and over the streets, highways, and public places of said town, for the purpose of furnishing and distributing electricity in said town and to the inhabitants thereof, and for approval of the exercise of rights and privileges under a franchise therefor received by said company from the town board and highway commissioner of said town; (2) under section 69 for authority to issue a mortgage and mortgage bonds for $20,000. and $20,000 in common capital stock; and a hearing on said petition, after notice, having been held by this Commission in the city of Albany on January 19, 1910, *Andrew F. McKean* appearing for the petitioner and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the North Creek Electric Company be and hereby is permitted to construct, erect, and maintain suitable wires and other conductors and the necessary poles, pipes, conduits, fixtures, and appurtenances in, under, and over the streets, highways, and public places in the town of Johnsburg, Warren county, N. Y., for the purpose of furnishing and distributing electricity in said town and to the inhabitants thereof, and that the said applicant be and hereby is permitted to exercise the rights and privileges for such construction and operation conferred upon it by a franchise granted by the town board of said Town of Johnsburg October 26, 1909, annexed to the petition herein, marked Exhibit B, and on file in the office of this Commission.

Ordered: 2. That the said North Creek Electric Company be and it hereby is authorized, pursuant to section 69 of the Public Service Commissions Law, to issue its bonds in denominations of $500 each, payable in twenty years from date, with interest at 6 per cent per annum, secured by a mortgage upon all its property, real and personal, to the amount of $20,000; and also to issue two hundred shares of its common capital stock of the par value of $100 per share; and to use the proceeds derived from the sale of its said bonds and stock only for the purposes of purchasing land and riparian rights, and meeting the cost of the construction of its said plant and for the maintenance and operation thereof, as more particularly set forth in the application of the North Creek Electric Company and the schedules thereto annexed. That in the opinion of this Commission the use of the capital to be secured by the issue of such stock and bonds is reasonably required for the said purposes of the corporation, to wit the acquisition of the said land and riparian rights.

Ordered: 3. That said company shall make verified report to this Commission as follows: (*a*) upon the sale of said $20,000 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*b*) upon the sale of said $20,000 in common capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*c*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds and capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such report shall be made until all of the proceeds of said mortgage bonds and capital stock have been expended, pursuant to the terms of this order.

[Case No. 1486]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the BINGHAMTON GAS WORKS under section 69 of the Public Service Commissions' Law as to issuing mortgage bonds.

The Binghamton Gas Works having on January 24, 1910, filed with this Commission a petition under section 69 of the Public Service Commissions Law for authority to issue $26,000 in bonds to be secured by a mortgage of said company heretofore executed; and it appearing that the proceeds of said bonds are to be used for purposes hereinafter referred to; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: 1. That the Binghamton Gas Works be and it hereby is authorized, pursuant to section 69 of the Public Service Commissions Law, to issue $26,000 par value of its general mortgage fifty-year 5 per cent gold bonds of the par value of one thousand ($1000) dollars each, the same to be secured by a general mortgage made by the Binghamton Gas Works to the Trust Company of America as trustee, dated October 1, 1904, and which secures an authorized issue of two million five hundred thousand dollars ($2,500,000) in par value of the said five per cent general mortgage bonds, of which said bonds there have been duly issued and are now outstanding ninety-one thousand dollars ($91,000) in the par value thereof; the proceeds derived from the sale of said bonds to be used exclusively for the construction, completion, extension, and improvement of the plant and distributing system of the Binghamton Gas Works, and for the improvement of its service as more particularly set forth in the petition herein. That in the opinion of this Commission the use of the capital to be secured by the issue of such bonds is reasonably required for the said purposes of the corporation, to wit the construction, completion, extension, and improvement of its plant and distributing system and for the improvement of its service.

Ordered: 2. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $26,000 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order, and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended, pursuant to the terms of this order.

[Case No. 1060]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Joint Petition of the CLIFF ELECTRICAL DISTRIBUTING COMPANY and THE NIAGARA FALLS HYDRAULIC POWER AND MANUFACTURING COMPANY.

There having been filed with this Commission a petition under sections 68, 69, and 70 of the Public Service Commissions Law, by the Cliff Electrical Distributing Company and The Niagara Falls Hydraulic Power and Manufacturing Company: (1) by the Cliff company for permission to exercise and approval of the exercise of rights and privileges under franchises to be acquired by it from The Niagara Falls Hydraulic Power and Manufacturing Company; by the Cliff company for authority to issue $500,000 in common capital stock, par value $100 a share ($500 of this capital stock was by order of this Commission dated April 26, 1909, authorized to be issued); by the Cliff company for authority to issue additional common capital stock for the conversion of mortgage bonds into capital stock; by the Cliff company for authority to issue a mortgage for $1,500,000 and to issue now $500,000 in thirty-year 5 per cent bonds to be secured by said mortgage; (2) by the Cliff company and the Hydraulic company for consent to the transfer from the Hydraulic company to the Cliff company of franchises, works, and system for generating and distributing electricity in the city of Niagara Falls; and a hearing on said petition having been held by this Commission in the city of Albany on August 19, 1909, *Morris Cohn, jr.*, appearing for petitioners; and it appearing at the hearing that the Cliff company desires to issue now but $250,000 in capital stock and $500,000 in mortgage bonds; and the petitioner herein having filed with this Commission the supplemental agreement dated January 24, 1910, referred to in paragraphs 9 and 10 of a resolution of this Commission dated January 19, 1910, which said supplemental agreement embodies the provisions referred to in paragraphs 9 and 10 of said resolution; and the petitioner herein having also filed with this Commission its final form of mortgage to Commonwealth Trust Company as trustee, securing the bonds referred to in said resolution of January 19, 1910, which final form of mortgage is marked as filed with the Commission on the 3rd day of February, 1910; now upon the aforesaid petition, papers filed, and hearing, and after due deliberation, it is

Ordered: 1. That the permission and approval of this Commission to the incorporation of said Cliff Electrical Distributing Company and the exercise by it of the rights, privileges, and franchises acquired by it of The Niagara Falls Hydraulic Power and Manufacturing Company under its agreement of May 4, 1909, and the supplemental agreement dated January 24, 1910, be and the same is hereby granted.

Ordered: 2. That the permission and approval of this Commission be and it is hereby given that Cliff Electrical Distributing Company may increase its authorized capital stock from the sum of twenty-five thousand dollars ($25,000), as fixed by its articles of incorporation, to the sum of five hundred thousand dollars ($500,000), pursuant to the unanimous consent of its stockholders dated April 26, 1909, a copy of which consent is filed with this Commission.

Ordered: 3. That this Commission consent that The Niagara Falls Hydraulic Power and Manufacturing Company may transfer to Cliff Electrical Distributing Company that part of its works and system mentioned and described in the joint petition of said companies verified the 14th day

of May, 1909, and filed the 17th day of May, 1909, and particularly in those parts of said petition marked Schedules E and G.

Ordered: 4. That said The Niagara Falls Hydraulic Power and Manufacturing Company may transfer to Cliff Electrical Distributing Company a certain franchise granted it by the city of Niagara Falls on the 25th day of June, 1894, and the 8th day of April, 1895, the common council of said city having consented to said transfer by resolution adopted March 22, 1909, copies of said franchise and resolution being annexed to said petition and marked D.

Ordered: 5. That said Cliff Electrical Distributing Company be and it is hereby authorized to issue its capital stock to the amount par value of two hundred and fifty thousand dollars ($250,000).

Ordered: 6. That said Cliff Electrical Distributing Company be and it is hereby authorized to issue its 5 per cent thirty-year bonds dated January 1, 1910, to the amount of five hundred thousand dollars ($500,000) par value, which said bonds shall be designated "General Mortgage Gold Coupon Bonds" and so referred to in the mortgage securing the same.

Ordered: 7. That the proceeds of said stock and bonds be used for the following purposes and no others: to wit, in payment for the transfer to it by the said The Niagara Falls Hydraulic Power and Manufacturing Company of all the property, rights, and franchises mentioned and set forth in Schedule E annexed to the aforesaid petition, so that the purchase price to be paid by said Cliff Electrical Distributing Company shall be the sum of seven hundred and fifty thousand dollars, and said issue of stock and bonds to be accepted as the full purchase price of said property, rights, and franchises by said The Niagara Falls Hydraulic Power and Manufacturing Company.

Ordered: 8. That in the opinion of this Commission the use of the capital to be secured by the issuance of said stock and bonds is reasonably required for the said purposes of the Cliff Electrical Distributing Company.

Ordered: 9. That the form of mortgage filed with this Commission February 3, 1910, proposed to be executed by said Cliff Electrical Distributing Company to Commonwealth Trust Company as trustee, to secure the payment of its thirty-year 5 per cent gold bonds to the aggregate amount of $1,500,000, be approved; and the said Cliff Electrical Distributing Company is hereby authorized, in case any holder of the bonds to the amount of five hundred thousand dollars hereinbefore authorized shall at any time avail himself of the right given by Article XIII of said mortgage to convert any of said bonds into common stock of the company as provided in said article, to issue its common stock for said bonds or any thereof, par for par, without further application to this Commission. But in case of any such issue and exchange the company shall at once make verified report thereof to the Commission.

Ordered: 10. That this order shall take effect as of January 1, 1910. Nothing herein contained shall authorize the issue of any stock or bonds except (*a*) stock to the amount of $250,000 presently, (*b*) bonds to the amount of $500,000 presently, (*c*) stock to the amount of $500,000 in exchange for bonds to a like amount pursuant to Article XIII of the proposed mortgage. That all future or other issues of stock or bonds, or both, can only be made after such authorization as is or may be required by law.

Ordered: 11. That upon the issuance of the mortgage, $500,000 in mortgage bonds, and $250,000 in capital stock, authorized by this order, said Cliff Electrical Distributing Company shall make a verified report to this Commission, setting forth that they have been issued for the purposes stated in this order and that the property for which this order authorizes their issuance has been acquired by said Cliff Electrical Distributing Company; that upon the conversion in the future of any bonds into capital stock as set forth in No. 9 of this order, said Cliff Electrical Distributing Company shall make a verified report thereof to this Commission as provided in No. 9 of this order.

[Case No. 1506]

State of New York.
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of February, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Petition of The Empire Electric Company of Franklinville, Cattaraugus county, under section 69 of the Public Service Commissions Law as to issuing capital stock.

The Empire Electric Company of Franklinville, Cattaraugus county, having on February 3, 1910, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue common capital stock for purposes hereinafter stated; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: 1. That The Empire Electric Company be and it is hereby authorized to issue its common capital stock to the amount of $21,800, being 218 shares of the par value of $100 each, said stock to be issued at par and the proceeds to be used for the following purposes only, to wit, to pay certain indebtedness of the company to the amount of $21,316.60, incurred in making additions and betterments to the plant and property of said company as set forth in the affidavit of G. W. G. Ferris verified February 9, 1910, and the balance of $483.40 to be used for working capital. That in the opinion of the Commission the capital to be secured by the issue of said stock is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $21,800 common capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said common capital stock; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said common capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said common capital stock have been expended, pursuant to the terms of this order.

[Case No. 1314]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ORANGE COUNTY LIGHTING COMPANY of Middletown, under section 69 of the Public Service Commissions Law for authority to issue a second mortgage for $200,000 and to issue $85,000 in convertible bonds to be secured by said mortgage, and for authority to issue capital stock for the conversion.

Supplemental order.

Whereas, By the order of the Commission herein dated January 4, 1910, it was provided in section 4 thereof that the Orange County Lighting Company be and it is hereby authorized to execute and deliver a mortgage on its property and franchises to secure an issue of bonds to the amount of $200,000, and that said mortgage be not executed until its proposed form has been submitted to and approved by this Commission; and

Whereas, The petitioner has filed with this Commission a proposed form of mortgage dated on the 1st day of January, 1910, to be made and entered into between the Orange County Lighting Company and the Orange County Trust Company and the City of Middletown; it is

Ordered: That the said form of mortgage submitted and filed with this Commission on the 14th day of February, 1910, be and the same is hereby approved.

[Case No. 1436]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of THE NIAGARA FALLS POWER COMPANY under section 69 of the Public Service Commissions Law for authority to execute and deliver a mortgage for $20,000,000, and to issue bonds to be secured by said mortgage.

The Niagara Falls Power Company having on January 4, 1910, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to execute and deliver a mortgage for $20,000,000, and to issue bonds to be secured by said mortgage; and a hearing on said petition having been held by this Commission in the city of Buffalo on January 7, 1910, *Frederick L. Lovelace* appearing for the petitioner; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That The Niagara Falls Power Company be and it is hereby authorized—

1. To execute and deliver to the Bankers Trust Company of New York as trustee its refunding and general mortgage upon its property, rights, and privileges described in the form of said mortgage filed with this Commission, to secure the coupon and registered gold bonds of said company maturing January 1, 1932, and bearing interest at the rate of 6 per cent per annum, to the aggregate amount of $20,000,000. The form of said proposed mortgage filed with this Commission December 31, 1909, and marked "8th Revise," is hereby approved as the form to be executed and delivered as aforesaid. None of the bonds which said mortgage is to be given to secure shall be executed or delivered without specific authorization by this Commission.

2. To issue its refunding bonds upon the security of said mortgage, maturing January 1, 1932, and bearing interest at the rate of 6 per cent per annum payable semiannually, to the amount of $9,074,000, the proceeds thereof to be used for the following purposes only: (*a*) to refund or discharge the ten-year 6 per cent debentures of said company due April 1, 1910, to the amount of $2,998,000 principal: (*b*) to refund or discharge the ten-year 6 per cent debentures (Canadian Collateral) Series A, due October 1, 1911, to the amount of $3,000,000 principal: (*c*) to refund or discharge the ten-year 6 per cent debentures (Canadian Collateral) Series B, due November 1, 1914, to the amount of $1,980,000 principal: (*d*) to refund or discharge the ten-year 6 per cent debentures (Canadian Collateral) Series C, due November 1, 1914, to the amount of $1,096,000 principal.

3. To issue its refunding bonds upon the security of said mortgage, maturing January 1, 1932, and bearing interest at the rate of 6 per cent per annum payable semiannually, to the amount of $1,021,000, the proceeds thereof to be used for the following purposes only: for the acquisition of property and the extension and improvement of its plant and system as set forth in the schedule of proposed additions and betterments annexed to its petition asking for this authorization, $1,015,000; installation at Bridgeburg, $6000.

It is further Ordered: That said bonds shall be sold at not less than par. In the opinion of the Commission the use of the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

It is further Ordered: That the said Niagara Falls Power Company be required to make verified reports as follows: 1, the sale or sales of the bonds hereby authorized and the amounts realized from such sales, within thirty days after any sale or sales; 2, on each 30th day of June and each 31st day of December hereafter, showing in detail the use and application by it of the moneys secured by the sales of said bonds, until such moneys shall have been fully expended. In case any of the capital secured by the issue of said bonds shall not be needed or used for the purposes hereinbefore set forth, said moneys shall not be used or expended for other purposes without further authorization by this Commission.

[Case No. 1466]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ROCHESTER RAILWAY AND LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to issue $1,376,758.91, or less, in bonds.

The Rochester Railway and Light Company having on January 8, 1910, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue $1,376,758.91, or less, in bonds to be secured by the consolidated mortgage of said company dated June 15, 1904; and a public hearing on said petition after notice by publication in Rochester newspapers having been held by this Commission in the city of Rochester on January 28, 1910, *Harris, Havens, Beach & Harris* appearing for the petitioner, and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Rochester Railway and Light Company be and it is hereby authorized to issue its first consolidated gold mortgage bonds bearing interest at the rate of 5 per cent per annum and maturing July 1, 1954, to the amount of $1,271,505, or so much thereof as will realize the sum of $1,182,500; that said bonds be sold at not less than 93 per cent of the par value thereof, and that the proceeds be used for the following purpose only: to wit, to discharge or refund certain promissory notes of said corporation to the principal amount of $1,182,500, said promissory notes being fully described in the schedule annexed to the petition asking for this authorization entitled "Statement, Bills Payable and Interest Paid," the Commission being satisfied that the proceeds of said promissory notes were used for additions and betterments to the property of said company. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 93 per cent of their par value; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1281]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of February, 1910.

Present:
FRANK W. STEVENS, Chairman.
MARTIN S. DECKER.
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the OSWEGO RIVER POWER TRANSMISSION COMPANY under section 69 of the Public Service Commissions Law for authority to issue a first mortgage for $100,000, and to issue now $60,000 in 5 per cent twenty-year bonds to be secured by said mortgage.

Supplemental order.

Whereas, In the order of this Commission dated January 24, 1910, it was provided in section 1 thereof that the petitioner, the Oswego River Power Transmission Company, "be and it is hereby authorized to execute and deliver to the Utica Trust and Deposit Company its guaranty," etc.; and

Whereas, Through inadvertance the said trust company was named therein where the Trust and Deposit Company of Onondaga should have been named; and

Whereas, The petitioner herein has since the date and issuance of said order submitted to the Commission certain changes in the form of mortgage to be used by it, which said alterations are hereinafter specifically set forth; it is

Ordered: That the said order of this Commission dated January 24, 1910, be and it is hereby corrected in orders Nos. 1 and 2 to read as follows:

Ordered: 1. That the petitioner, the Oswego River Power Transmission Company, be and it is hereby authorized to execute and deliver to the Trust and Deposit Company of Onondaga its mortgage in the total sum of one hundred thousand dollars ($100,000), securing a series of two hundred bonds of five hundred dollars ($500) par value each, payable twenty years from date, with interest at the rate of 5 per cent per annum, and also containing a redemption clause at the rate of 5 per cent premium which may be exercised after a period of three years from date.

Ordered: 2. That the form of said mortgage submitted with the petition and now on file with this Commission, together with the amendments and alterations of the same submitted by the petitioner in a letter from S. B. Storer, president of the petitioner, to the Commission, dated February 8, 1910, and which alterations are contained on pages 8, 9, 10, 21, 22, 23, 36, and 39 of the form originally submitted by the petitioner, and which revised pages are inserted in the form of mortgage originally submitted at their proper places therein to take the place of the said pages in the form originally submitted, be and the same are hereby approved.

It is further Ordered: That the said order of this Commission dated January 24, 1910, in all other particulars shall stand as originally issued.

[Case No. 969]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ORISKANY HYDRO-ELECTRIC COMPANY for consent (1) under section 6, Stock Corporation Law, to mortgage its property for $2,500,000, (2) under section 69 of the Public Service Commissions Law to issue $1,500,000 bonds under said mortgage and $500,000 common capital stock.

Whereas, It appears from the petition and the evidence in this case (1) that in March, 1907, the Commission of Gas and Electricity authorized the petitioner to do business, and to issue $50,000 capital stock and $300,000 first mortgage bonds for the purpose of developing electric energy from Oriskany creek, in the county of Oneida, and transmitting and distributing such electric energy for lighting, heating, and power purposes in the county of Oneida and adjacent counties; (2) that the plans of said company have developed so as to require a greater expenditure of capital than that contemplated in the original estimates, and that the capitalization authorized by the Commission of Gas and Electricity is therefore inadequate: and

Whereas, This Commission is of the opinion (1) that the proposed capitalization of water rights by the petitioner is not justified, but that the balance of the capitalization proposed is reasonably required for the purposes of said company; (2) that the proportion of stock to bonds should be increased above that proposed by the petitioner; it is therefore

Ordered: That the Oriskany Hydro-Electric Company is hereby authorized (1) under section 6 of the Stock Corporation Law to mortgage its entire property, rights, and franchises to the amount of $2,500,000, said mortgage to be submitted to this Commission for its approval prior to the execution thereof; (2) under section 69 of the Public Service Commissions Law to issue $1,100,000 forty-year 5 per cent gold bonds under said mortgage, being an increase of $800,000 over the said $300,000 bonds authorized by the aforesaid order of the Commission of Gas and Electricity, said bonds to be sold at a price to be fixed upon a further application to this Commission; (3) under section 69 of the Public Service Commissions Law to issue a total amount of common capital stock of $425,000 at par, being an increase of $375,000 over the amount authorized by the Commission of Gas and Electricity; (4) to devote the proceeds of said issues of $1,100,000 bonds and $425,000 stock to the following purposes and no other: to wit, (*a*) To the purchase of lands, buildings, and collateral property at an estimated cost of $208,625, as specified on pages 56, 58-a, and 58-c of the engineering report filed by the petitioner, dated June 15, 1909, and as further specified on page 11 of a statement in writing by Thomas F. McBride, admitted in evidence and marked Applicant's Ex. No. 2, at the hearing herein held January 27, 1910; (*b*) to the hydro-electric development, construction, and equipment of power, No. 3, plan 2; Power No. 2 and Power No. 1, so called, at an estimated cost of $837,600; to the building of transmission lines as specified at an estimated cost of $43,000; for interest during construction, organization expenses, mortgage tax, incorporation fees, preliminary engineering, field work, and administration during construction, $175,000; for working capital the balance thereof; all of the construction mentioned in the items in this subdivision to conform to the specifications and engineering report filed in this case, the

expenditures for said construction being summarized in the report of the Roberts & Abbott Co., engineers, pages 58-f and 58-g.

It is further Ordered: That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the term and conditions of sale, and the amounts realized therefrom which shall not be less than a price to be fixed by this Commission in the future as set forth above; (*b*) upon the sale of said capital stock hereby authorized to be issued or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*c*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds and said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds and said capital stock have been expended, in accordance with the terms of this order.

[Case No. 1496]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the SYRACUSE LIGHTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue $354,000 in bonds to be secured by an existing mortgage.

The Syracuse Lighting Company having on February 4, 1910, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue $354,000 in bonds to be secured by an existing mortgage; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on February 15, 1910, *Walstein F. Douthirt* appearing for the petitioner, and *William Rubin* appearing for the City of Syracuse; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Syracuse Lighting Company be and is hereby authorized to issue its extension and improvement mortgage 6 per cent ten-year gold bonds to the amount of $354,000 par value; that said bonds shall be sold at not less than 95 per centum of their par value, and the proceeds of such sale used for the following purposes only: to wit, for construction, extensions, and betterments to the plant of said corporation as set forth and described in the schedule thereof submitted with the petition, entitled "Schedule Showing the Estimated Requirements for Improvements and Extensions at Works and Plant and Distributing System," except the items therein specified as "Electric Runabout" at an estimated cost of $1275, and "Motor Cycles" at an estimated cost of $400, total $1675, which are hereby stricken from said schedule for the purposes of this authorization. That the balance of proceeds from the sale of $143,000 of said extension and improvement mortgage gold bonds authorized by this Commission to be issued July 12, 1909, and of the sum remaining in the applicant's debenture fund July 1, 1909, amounting to $70,388.08, also covered by said action of the Commission

July 12, 1909, which said balance amounts to $8689.51, is hereby authorized and directed to be first applied by the applicant to and for the purposes described in said schedule. That any excess of proceeds to the amount thereof, from the sale of said bonds over and above the amount necessary for the purposes named in said schedule, after the use and application to said purposes of the balance aforesaid, shall not be expended or used without further order of this Commission. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified report to this Commission as follows: (*a*) upon the sale of said $354,000 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 95 per cent of their par value; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said $354,000 in mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said $354,000 in mortgage bonds have been expended, in accordance with the terms of this order; and said reports shall include the disposition and use made, in accordance with the terms of this order, of said balance of $8689.51.

[Case No. 1466]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the city of Buffalo, on the 28th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ROCHESTER RAILWAY AND LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to issue $1,376,758.91, or less, in bonds.

The Rochester Railway and Light Company having on January 8, 1910, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue bonds, in which petition it was stated that said bonds should be redeemable before maturity at 103; and whereas an order dated February 22, 1910, was made allowing said issue of bonds not exceeding $1,271,505; and it now appearing that all former issues of bonds by said company were made redeemable before maturity at 110; it is

Ordered: That said order of February 22, 1910, be and hereby is amended by inserting therein, after the figures $1,182,500 in the second paragraph, the following: "shall be redeemable prior to maturity at 110 per cent of the par value thereof, under the provisions of Clause 16 of said mortgage; provided, however, that before giving the notice to the trustee and taking action thereon as provided in said Clause 16, the applicant shall first present its application to this Commission showing that such redemption will be necessary or appropriate under conditions then existing, and obtain the order of this Commission thereon approving such redemption." As so amended, said order shall stand as of the date thereof.

[Case No. 1340]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE.
JOHN B. OLMSTED.
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the HORNELL-BATH INTERURBAN RAILWAY COMPANY to issue mortgage, mortgage bonds, and common capital stock.

After due deliberation it is

Ordered: That the form of mortgage submitted by Hornell-Bath Interurban Railway Company, filed March 11, 1910, pursuant to the order of this Commission granting leave to execute a mortgage upon the property and franchises of said company, be and the same is hereby approved.

[Case No. 1515]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE.
JOHN B. OLMSTED,
JOHN N. CARLISLE.
Commissioners.

In the matter of the Petition of the CLIFF ELECTRICAL DISTRIBUTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue $400,000 in 30-year 5 per cent bonds to be secured by a first mortgage for $1,500,000.

The petitioner herein having presented its petition to this Commission dated February 16, 1910, praying for permission under section 69 of the Public Service Commissions Law to issue $400,000 par value of bonds of a total issue of $1,500,000, secured by a mortgage given by the petitioner to the Commonwealth Trust Company of Buffalo as trustee, which said mortgage bears date January 1, 1910; and a hearing herein upon said petition having been had at the city of Buffalo on the 11th of March, 1910, it is

Ordered: 1. That the petitioner be authorized and empowered under section 69 of the Public Service Commissions Law to issue its 5 per cent thirty-year bonds, dated January 1, 1910, of an issue designated as general mortgage gold coupon bonds, to the amount of $400,000 par value, which said bonds shall be sold at not less than 95 per centum of the par value thereof and accrued interest, if any, without any further discount, allowance, or charge.

Ordered: 2. The proceeds of said bonds shall be used for the following purposes and no other: to wit, organization and mortgage issue expenses, $8,701.33; additions ordered or immediately needed for generating station, $96,443; additions ordered and in process of construction, or immediately necessary for distributing plant, $126,192.35; additions needed by September 1, 1910, $147,660; total, $378,996.68. The particular items of the foregoing

summary of purposes to which the proceeds of said bonds are to be applied are given in the petition herein in paragraphs 2 and 3 thereof, and the purposes for which the proceeds of said bonds are to be applied are the particular purposes itemized in said paragraphs 2 and 3, aggregating $378,996.68, and no others.

Ordered: 3. That in the opinion of the Commission the use of the capital to be secured by the issuance of said bonds is reasonably required for the said purposes of Cliff Electrical Distributing Company.

Ordered: 4. That the Cliff Electrical Distributing Company be and it is hereby authorized, in case any holder of the said bonds herein authorized which shall have been sold at par shall at any time avail himself of the right given by article 13 of said mortgage, to convert said bonds into common stock of said Cliff Electrical Distributing Company as provided in said article, to issue its common stock for said bonds or any part thereof, par for par, without further application to this Commission: but in case of any such issue and exchange the company shall at once make verified report thereof to this Commission. And on the further condition that none of the said bonds sold for less than par shall be so converted without further order of this Commission.

Ordered: 5. That said Cliff Electrical Distributing Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 95 per cent of their par value and accrued interest, if any; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said mortgage bonds have been expended in accordance with the terms of this order; (*c*) that upon the conversion in the future of any bonds hereby authorized to be issued into common capital stock of the Cliff Electrical Distributing Company as set forth in number four of this order, said Cliff Electrical Distributing Company shall make a verified report thereof to this Commission as provided in number four of this order.

[Case No. 1533]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the ANTWERP LIGHT AND POWER COMPANY to take over the property and contracts of Joseph A. Baumert and to exercise rights under its certificate of incorporation under section 68 of the Public Service Commissions Law, and also for authority to issue $43,000 capital stock under section 69 of the said act for the purpose of acquiring the property of said Joseph A. Baumert.

Whereas, The Antwerp Light and Power Company, a domestic corporation of the village of Antwerp, Jefferson county, N. Y., has filed its petition and supplemental petition with this Commission asking authority under section

68 of the Public Service Commissions Law to exercise certain rights and privileges under a franchise granted to said Antwerp Light and Power Company by the Village of Antwerp on the 2nd day of March, 1910; also for authority to issue $43.000 of capital stock for the purpose of acquiring the property rights of Joseph A. Baumert in the said village of Antwerp; and also asking for authority to carry out two contracts made by said Joseph A. Baumert: one for lighting the village of Antwerp dated September 28, 1906, and one for pumping water for the village of Antwerp dated June 6, 1895; now therefore it is

Ordered: 1. That the approval of this Commission is hereby given to said Antwerp Light and Power Company to exercise the rights and privileges granted to it under a franchise given to it by the Village of Antwerp on the 2nd day of March, 1910.

Ordered: 2. That said Antwerp Light and Power Company be and it is hereby authorized to issue its capital stock to the amount of $43.000 for the acquisition of the property of said Joseph A. Baumert described in the application herein, said property consisting of the present electric light plant in said village of Antwerp; it being the opinion of the Commission that the use of said capital is reasonably required for the purposes of said corporation.

Ordered: 3. That the said Antwerp Light and Power Company be and it is also hereby permitted to have authority to assume the obligations contained in a certain contract made by said Joseph A. Baumert on September 29, 1906, with the Village of Antwerp for lighting the streets of said village, and a contract also made on the 6th day of June, 1895, to pump water for supplying said village of Antwerp with water for its water system.

Ordered: 4. That said company shall make verified reports to this Commission as follows: upon the issuance of said capital stock to the amount of $43.000 for the acquisition of the said property of said Joseph A. Baumert, the facts in detail of said transaction.

[Case No. 1537]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the NIAGARA LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue $22.000 in 5 per cent bonds secured by an existing mortgage.

The petitioner herein having filed its petition asking for permission to issue $22.000 par value of bonds of an authorized issue of $500.000, and hearing herein having been had on the 11th day of March, 1910, it is

Ordered: 1. That the petitioner herein be authorized and empowered to issue $21.000 of an issue of $500.000 of its bonds secured by a mortgage given by the petitioner to New York Trust Company as trustee, dated May 19, 1905, but referred to in the bonds secured as dated the 1st day of May, 1905, which said bonds are payable by the terms of said mortgage on the 1st day of May, 1925, with interest at the rate of 5 per cent per annum payable semiannually; that said bonds shall be sold at not less than 85

per cent of the par value thereof and accrued interest, if any, without any further charges or deductions; and that the proceeds of said bonds be used for the following purposes only, as specified in the petition herein dated February 22, 1910: to wit, $5894.39 of the proceeds thereof to be used for the purpose of paying and canceling a certain note for the same amount given by the petitioner to the State National Bank of North Tonawanda, the proceeds derived by the petitioner from said note having been used for the purposes of construction, aggregating $5894.39, as set forth in the petition hereinbefore referred to; $11,850 of the proceeds of said bonds to be used in purchasing: water gas set, $7300: oil storage tank and piping, $710; 100 hp. boiler, stack and setting, $1920; 1 tar separator and extractor, $650; concrete foundation and trenching, $600: remodeling buildings, $400; 1 Westinghouse compressor and piping, $270: as set forth in said petition, and for no other purpose.

Ordered: 2. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the purposes of said corporation petitioner.

Ordered: 3. That said Niagara Light, Heat and Power Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 85 per cent of the par value thereof and accrued interest, if any; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1514]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the HOOSAC RIVER ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue $15,000 in common capital stock par value $100 a share.

The Hoosac River Electric Light and Power Company having on February 21, 1910, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue $15,000 in common capital stock par value $100 a share; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on March 7, 1910, *James O. Carr* appearing for the petitioner and no one else appearing; now upon the aforesaid petition, papers filed, and hearing, and after due deliberation, it is

Ordered: 1. That the Hoosac River Electric Light and Power Company be and it is hereby authorized to issue its capital stock to the amount par value of $15,000, the said stock to be sold for cash at not less than par, and the proceeds to be used for the following purposes only: to wit, to discharge

indebtedness incurred in erecting its plant to and in the village of Valley Falls, $4790.17; to pay the cost of further construction and extensions in the village of Valley Falls, $8259; to pay the cost of construction and equipment necessary for a distributing system in the village of Schaghticoke, $5950. That in the opinion of the Commission the use of the capital to be secured by the issue of said stock is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $15,000 common capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said capital stock have been expended, in accordance with the terms of this order.

[Case No. 1560]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION. SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the HORNELL ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue $17,500 in common capital stock.

Whereas, This Commission by an order dated May 7, 1908, authorized the Hornell Electric Company, pursuant to section 69 of the Public Service Commissions Law, to issue its certificates of indebtedness to the amount of one hundred thousand dollars ($100,000) dated May 1, 1908, and maturing May 1, 1931, bearing 5 per cent annual interest payable semiannually; and further authorized that said certificates might contain a provision for their conversion into common capital stock of the company at the rate of one hundred seven dollars and fifty cents ($107.50) of certificates for one hundred dollars ($100) of common capital stock, subject to all legal requirements; and

Whereas, It appears by the application of the Hornell Electric Company that said certificates as issued provided for such conversion at the option of the holders, and that all of the common capital stock authorized by the stockholders of the applicant has been issued and sold except one hundred and seventy-five (175) shares; it being the opinion of this Commission that said unissued stock is reasonably required for the purposes above set forth, viz., the exchange of certificates for stock; it is

Ordered: 1. That the Hornell Electric Company be and it hereby is authorized to issue one hundred seventy-five (175) shares of its common capital stock of the par value of one hundred dollars ($100) each, and to exchange the same for the certificates of indebtedness herein described at the rate of one hundred seven dollars and fifty cents ($107.50) of certificates for one hundred dollars ($100) of common capital stock.

Ordered: 2. That upon the completion of said exchange of said common capital stock for certificates of indebtedness said Hornell Electric Company shall make a verified report to this Commission, setting forth in detail the facts of the transaction or transactions.

[Case No. 1562]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of March, 1910.

Present:
FRANK W. STEVENS, Chairman.
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the FULTON COUNTY GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue $99,000 in 6 per cent three-year notes.

After due deliberation it is

Ordered: 1. That Fulton County Gas and Electric Company be and it is hereby authorized to issue its three-year 6 per cent gold notes for an aggregate principal sum of $99,000, said notes to be dated March 1, 1910, and to be redeemable at the option of the maker on September 1, 1910, or thereafter on any interest date, at their par value, interest to be payable on the first day of September and March in each year, and both principal and interest to be payable in gold coin of the United States. Said notes are to be sold at not less than par, and if sold more than six months after the date thereof, par and accrued interest, unless such accrued interest be remitted. The proceeds of said notes are to be used to provide for additions to and extensions and improvements of the plant and distributing system of said Fulton County Gas and Electric Company, as set forth in Exhibit A annexed to the application of said company for this authorization, and for no other purpose or purposes whatsoever. Said purposes are as follows: new business extensions, $21,500; trunk and pressure mains, $3190; No. 6 turbine blower unit, and blasting in connection, $13,000; No. 6 Root exhauster, including foundation, $1500; enlargement and improvement of water gas set, including air and steam meters, $1700; feed water heater, $400; feed water pump, $200. The foregoing matters are in connection with the gas department of said company. The following are in connection with the electrical department of said company: new business extensions, $18,000; grounding secondaries, $2000; switchboard panels, $2500; engine exciter, $500; conduits for power wires, $600; lamp suspensions, $500; buildings, $5000; boiler plant, $10,500; generating plant, $18,700; pipe work, $3000; general expense connected with the foregoing, $2800; contingencies in the nature of extensions and improvements, $5000. That in the opinion of the Commission the capital to be secured by the issue of said notes is reasonably required for the aforesaid purposes of said corporation. This authorization is upon the express condition that no more of the proceeds of said notes shall be used for each or any of the aforesaid matters than the estimated amount set opposite the general description thereof without the further authorization of this Commission, and that whatever expenditures may be found desirable to make under the last heading "Sundry expenses and improvements," shall be reported to this Commission for its determination as to whether they are proper subjects for capitalization.

Ordered: 2. That said Fulton County Gas and Electric Company shall make verified reports to this Commission as follows: (*a*) upon the sale of

said notes hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than their par value, and if sold more than six months after the date thereof shall not be less than par and accrued interest, unless such accrued interest be remitted: (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said notes, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such report shall be made until all of the proceeds of such notes have been expended, in accordance with the terms of this order; and that such reports shall classify the expenditures under each head for which expenditure is authorized by this order.

[Case No. 1039]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman.
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

Petition of the GENEVA-SENECA ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to execute and deliver a mortgage for $500,000 and to issue now $360,000 in 5 per cent thirty-year bonds to be secured by said mortgage.

After due hearing and deliberation it is

Ordered: That Geneva-Seneca Electric Company be and it is hereby authorized as follows: 1. To execute and deliver a mortgage upon all its property, rights, and franchises to secure the payment of its thirty-year 5 per cent sinking fund gold bonds to the amount of $500,000: that the form of mortgage submitted by said corporation is approved; that no bonds be issued upon the security of said mortgage without further authorization by this Commission. 2. To issue its thirty-year 5 per cent sinking fund gold bonds, interest payable semiannually, upon and pursuant to the terms of said mortgage to the aggregate amount of $341,125, the proceeds thereof to be used for the following purposes only: (*a*) to discharge or refund existing and outstanding bonds of the Seneca-Edison Company dated May 1, 1899, secured by mortgage to Old Colony Trust Company, trustee, to the principal amount of $50,000; (*b*) to discharge or refund existing and outstanding bonds of Geneva Power and Light Company dated May 2, 1898, secured by mortgage to Old Colony Trust Company, trustee, to the principal amount of $50,000; (*c*) to discharge bills and notes of said corporation which were outstanding May 31, 1909, to the aggregate amount of $98,178.99, or renewals thereof, said bills and notes being particularly described in a schedule annexed to the petition for this authorization entitled, "List of bills payable May 31, 1909," and other floating indebtedness of said company to the amount the indebtedness represented by said bills and notes and other accounts payable, which was incurred for additions and betterments, to wit, the sum of $102,900; (*d*) for additions and betterments to the plant and system of said corporation as set forth in Schedule D annexed to the aforesaid petition, $75,000; (*e*) for working capital for the use of said corporation in the acquisition of property and maintenance of its service, $15,000. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

It is further Ordered: That this authorization is upon the following express conditions: 1. That said bonds shall not be sold at less than 80 per cent of their face value without further authorization by this Commission, and bonds, if any, exchanged for outstanding bonds shall be exchanged par for par. 2. That as and when any of the machinery or appliances which were owned and used by said corporation previous to the erection of the new generating station and installation of the machinery therein for which the aforesaid indebtedness represented by said notes and accounts was incurred, is retired from service and ceases to be used by said corporation in its operations, its capital account shall be credited with the value of the property so retired in accordance with the rules of the uniform system of accounts prescribed by this Commission December 1, 1908, effective January 1, 1909, for electrical corporations. 3. That upon issuing said bonds to the amount of $102,900 for the purpose of discharging indebtedness of said company as hereinbefore set forth, the said company shall credit its fixed capital account with the sum of $11,917.10, which sum is the amount of matters which the Commission finds to be for replacements made with the moneys for which said indebtedness was incurred, with leave however to the company to have further hearing upon said matters if it shall so elect.

It is further Ordered: That said Geneva-Seneca Electric Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 80 per cent of their face value, and shall report the facts of any exchange of said mortgage bonds for said outstanding mortgage bonds in accordance with the terms of this order upon the occurrence of such exchange; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1413]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition of the PEOPLES GAS AND ELECTRIC COMPANY OF OSWEGO and the CITIZENS LIGHTING COMPANY OF OSWEGO, NEW YORK, under sections 69 and 70 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: 1. That under the provisions of section 70 of the Public Service Commissions Law the consent of this Commission is hereby given to the Peoples Gas and Electric Company of Oswego to acquire all the capital stock, estate, property, rights, privileges, and franchises of the Citizens Lighting Company of Oswego, New York, and to operate the same; that the said Citizens Lighting Company is hereby authorized to transfer its said franchises, works, and system; and upon said transfer being made the said Peoples Gas and Electric Company is hereby given authority under the pro-

visions of subdivision 3 of section 61 of the Transportation Corporations Law to merge with the said Citizens Lighting Company, under the name of the Peoples Gas and Electric Company of Oswego, upon the said Peoples Gas and Electric Company complying with all the provisions and requirements of said section.

Ordered: 2. That under the provisions of section 69 of the Public Service Commissions Law this Commission hereby authorizes the Peoples Gas and Electric Company to issue $150,000 additional common capital stock at par, the proceeds to be used for the following purpose and no other: to wit, $76,000 par value of said stock to acquire the total capital stock of the Citizens Lighting Company, namely 532 shares of the par value of $100 each (of an authorized issue of $75,000 par value), together with all the franchises, works, and system of said Citizens Lighting Company; $74,000 par value of said stock, to be sold at par, the proceeds to be used in paying three certain promissory notes of the said company drawn to the order of the American Trust Company of Boston payable 15 days after demand, dated and of the following amounts: September 1, 1909, $35,000; November 18, 1909, $25,000; December 10, 1909, $14,000; the proceeds of said notes to be used for the construction, extension, and improvement of the property of said company as set forth in detail in the petition of said company dated December 11, 1909, and for no other purpose. That in the opinion of the Commission the use of the capital to be secured by the issue of said stock is reasonably required for the said purposes of the said corporation.

Ordered: 3. That said Peoples Gas and Electric Company of Oswego shall make verified reports to this Commission as follows: (*a*) upon the issuance of said $76,000 par value of its common capital stock for the purposes named in this order, the facts in relation to said transaction; (*b*) upon the sale of said $74,000 of its common capital stock or any of it, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said stock; (*c*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said $74,000 common capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said $74,000 common capital stock have been expended, in accordance with the terms of this order; (*d*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of the notes referred to in No. 2 of this order, setting forth in reasonable detail the purposes to which said proceeds of said notes have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said notes have been expended in accordance with the terms of this order.

[Case No. 1332]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the EAST CREEK ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law.

The East Creek Electric Light and Power Company having filed with this Commission its application for leave to issue a mortgage for $3,000,000, and to increase its capital stock from $200,000 to $750,000, now therefore it is

Ordered: 1. Under section 69 of the Public Service Commissions Law this Commission hereby consents to the issue by the East Creek Electric Light and Power Company of a first and refunding mortgage upon all the property, assets, and franchises of said company to the New York Trust Company of New York city, to secure the payment of $3,000,000 of bonds of the denomination of $1000 each, said bonds to become due in 50 years, with interest payable semiannually at 5 per cent. (The form of said mortgage and bonds to be submitted to this Commission for its approval.)

Ordered: 2. That under section 69 of the Public Service Commissions Law this Commission hereby authorizes the East Creek Electric Light and Power Company to issue $1,750,000 of its said bonds at not less than 85 per cent of their par value, for the following purposes and no others: to wit. (*a*) to retire $125,000 of outstanding bonds at 103, the premium thereon; (*b*) to pay the mortgage tax upon the filing of said mortgage and the issuing of said bonds, $10,000; (*c*) to purchase and acquire additional lands and water power at Ingham's Mills, and to procure lands to construct railroad branch and for pipe line right of way as set forth in detail in subdivision 13 of the petition herein, $100,000; (*d*) to construct new power plant at Ingham's Mills and extensions and additions to its property, $1,253,100: total, $1,488,100; (The items making up the Ingham's Mills development of $1,253,100 are as follows: dam, $281,000; pipe line, $70,000; pipe trench, etc., $13,000; power house, $75,000; hydraulic apparatus, $90,000; electric apparatus, $116,300; additions to present plant, $56,200; transmission line, $205,600; sub-stations, $175,000; engineering and superintendence, $64,000; interest during construction, $45,000; incidentals and contingencies, construction camp, $30,000; railroad branch Little Falls to Dolgeville, $50,000; insurance, $11,800; general expenses, $5200: total, $1,253,100.)

Ordered: 3. That under section 69 of the Public Service Commissions Law this Commission hereby authorizes the East Creek Electric Light and Power Company to increase its capital stock from $200,000 to $500,000, and to issue said additional $300,000 at par for the following purposes and no others: to wit. (*a*) to pay to Guy R. Beardsley an indebtedness for moneys advanced now due to him from said company, $43,726.14; (*b*) to pay Guy R. Beardsley for all services and promoter's fees in the organization of said company and acquiring the lands in connection therewith and the financing of the same, said allowance to cover all claims of said Beardsley for engineering service and promoter's fees from the time of the organization of said company to its final completion, $66,273.86; (*c*) to purchase additional lands for proposed development at East Creek, of about 1000 acres, $150,000; (*d*) to pay Charles E. Snyder, attorney, for disbursements and legal services in connection with the promotion and organization of said company, the procuring of property rights and water rights, and all litigations in connection therewith, said amount to be in full for all claims for legal services and disbursements to the final completion of the proposed development of said company, at Ingham's Mills and East Creek, $40,000.

Ordered: 4. This order is made upon the distinct understanding that when any additional issue of bonds is asked for that an additional stock issue will also be asked for in the same ratio in which the present bonds and stocks issued under this order bear to each other.

Ordered: 5. That in the opinion of this Commission the use of the capital to be secured by the issue of said capital stock and bonds as hereinbefore authorized is reasonably required for the said purposes of the corporation.

Ordered: 6. That said East Creek Electric Light and Power Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 85 per cent of their par value; (*b*) upon the issuance of capital stock hereby authorized to be issued to pay Guy R. Beardsley and Charles E. Snyder as herein set forth, the facts in relation to such issuance, in accordance with the terms of this order; (*c*) upon the sale of capital stock hereby authorized to be issued, the fact

of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*d*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds and capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds and capital stock have been expended, in accordance with the terms of this order.

[Case No. 1420]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the SOUTH SHORE GAS COMPANY under section 69 of the Public Service Commissions Law as to issuing common stock, a mortgage, and mortgage bonds.

The South Shore Gas Company of Babylon, N. Y., a corporation organized with a capital stock of $50,000, having filed its petition with this Commission for authority to issue a part of its said capital stock, and for authority to execute a mortgage upon all its property and assets to the amount of $150,000, and for authority to issue a portion of the bonds to be secured by said mortgage, now therefore it is

Ordered: 1. That under section 69 of the Public Service Commissions Law the consent of this Commission is hereby given the South Shore Gas Company to execute a trust mortgage upon all its property and assets to the New York Trust Company of New York city to secure the issue of $150 000 of bonds of said company, said bonds to be of the denomination of $1000 each, payable 25 years from date, with interest semiannually at the rate of 5 per cent. The form of said mortgage and the bonds accompanying the same, filed with this Commission on the 9th day of April, 1910, is hereby approved.

Ordered: 2. That under section 69 of the Public Service Commissions Law this Commission hereby authorizes the South Shore Gas Company to issue $100,000 of its said bonds at not less than 85 per cent of their par value, and $25,000 of its capital stock at par, for the following purposes and no others: to wit, buildings and real estate, $9000; one 4 ft. x 3 ft. 6 in. x 3 ft. 6 in. water gas set, including foundations, freight, and cartage, $4447; one 27 hp. turbine and blower, $800; one round steel purifier box 15 x 12, $2200; one 30,000 ft. steel tank, single lift, holder, including foundation, $5700; one 60 in. x 16 ft. boiler, complete, with stack and foundation, $2500; one washer box 4 ft. x 4 ft. x 3 ft. 2 in., with by-pass, $625; yard and works connections, $3500; part of the railroad siding and temporary coal shed, $3000; station meters, connections, water supply iron tanks, etc., $5000; engineering and supervision, $5000; unknown contingencies, $4177.20; total, $45,949.20. Distribution system: 2 miles 10-in. castiron main at $5866.40 per mile, $11,732.80; 3 miles 6-in. castiron main at $3405.60 per mile, $10.216.80; 5 miles 4-in. castiron main at $2191.20 per mile, $10,956; 5 miles 3-in. wrought or castiron main at $1764.60 per mile, $8823; 2 miles 2-in. wrought iron main at $1372.80 per mile, $2745.60; engineering and supervision, $4447.42; total, $48,921.62; 500 services at $20 each, including meters, $10,000. Plus 5 per cent for contingencies, $5243.54. Total, $110,114.36.

Ordered: 3. That in the opinion of this Commission the issue of said stock and bonds is reasonably required for the said purposes of the corporation.

Ordered: 4. That said South Shore Gas Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, the amounts realized therefrom which shall not be less than 85 per cent of their par value; (*b*) upon the sale of said capital stock hereby authorized to be issued or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*c*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds and said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds and said capital stock have been expended, in accordance with the terms of this order.

[Case No. 1515]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of CLIFF ELECTRICAL DISTRIBUTING COMPANY for an order authorizing the issuance of additional bonds of said company to the amount of four hundred thousand dollars.

Whereas, The petitioner herein, Cliff Electrical Distributing Company, has presented its petition dated April 22, 1910, showing that by the order of this Commission made on or about the 4th day of February, 1910, the consent of this Commission was given to the transfer to Cliff Electrical Distributing Company, the petitioner, of its generating and distributing plant as therein set out; and further showing that this Commission by a further order did on or about the 17th day of March, 1910, grant unto the petitioner permission to issue $400,000 par value of bonds secured by mortgage as in said order more specifically set forth; and further showing that by the order of this Commission certain property was authorized to be transferred as described in the original petition dated May 14, 1909; and further showing that between the time of filing the original petition, May 14, 1909, and the actual transfer of the property on or about the 1st day of March, 1910, certain betterments and additions were made to the plant now owned by the Cliff Electrical Distributing Company, which were paid for by the Niagara Falls Hydraulic Power and Manufacturing Company and were included in the property for the purchase of which said issue of bonds was granted, and also were included in the property to be covered by the mortgage hereinbefore referred to, but which were not included in the order of the Commission of February 4, 1910, consenting to the transfer hereinbefore referred to; and further praying that an order of this Commission issue, granting permission and consent that the Niagara Falls Hydraulic Power and Manufacturing Company may formally transfer to the Cliff Electrical Distributing Company such additions and betterments; now therefore it is

Ordered: That this Commission hereby consents to and approves the transfer by the Niagara Falls Hydraulic Power and Manufacturing Company to

Cliff Electrical Distributing Company of any and all additions to the electrical generating and distributing plant heretofore acquired by Cliff Electrical Distributing Company, made by the Niagara Falls Hydraulic Power and Manufacturing Company between the date of the contract between said parties on May 4, 1909, and the actual taking possession of such electrical generating and distributing plant on March 1, 1910, which said property aggregates in full $85,302.04, and is itemized in the following schedule: paid for ducts, labor, etc., on conduit to carbide, $13,274.48; paid J. Ellwood Baird, on conduit, $9441.39; paid R. R. Coddington, on conduit, $217.50; paid Reed Coddington Eng. Co., on conduit, $9972.73; cost of line to Titanium Alloy Mfg. Co., $4088.89; paid J. L. Roebling's Sons, for cable in conduit, $40,038.42; material delivered from stock, $1211.71; labor, $5900.67; 1 lightning arrester, $351.75; meters, $804.50.

[Case No. 961]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the petition of the THOUSAND ISLAND ELECTRIC LIGHT AND POWER COMPANY, LIMITED, under section 69 of the Public Service Commissions Law. Modified order.

Whereas, On July 1, 1909, an order was made by this Commission authorizing among other things the Thousand Island Electric Light and Power Company, Limited, to issue $20,000 of its mortgage bonds at par; and

Whereas, It satisfactorily now appears that said company has never issued said bonds and has been unable to sell the same at par, and that it will be unable to dispose of them at more than 95 per cent of their par value, and that the same can now be disposed of at said price; and on reading and filing the affidavits of C. A. Ellis and R. P. Grant, both verified April 27, 1910, setting forth said facts, it is

Ordered: That so much of said order of July 1, 1909, as directs said company to issue $20,000 of its bonds at par is hereby modified, and said company is hereby authorized under section 69 of the Public Service Commissions Law to issue said $20,000 of its said mortgage bonds at not less than 95 per cent of their par value; all other provisions of said order to remain in full force and effect.

[Case No. 1566]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the DEER RIVER POWER COMPANY under section 69 of the Public Service Commissions Law, and as to issuing a mortgage, bonds, and common capital stock.

After due hearing and deliberation it is

Ordered: 1. That permission and authority be and hereby is given to the Deer River Power Company to execute and deliver to Willis W. Rice and

Addison F. Wardwell, trustees, a mortgage to be dated May 1, 1910, upon all the property owned by it, in the form submitted by the petitioner and filed with this Commission on the 26th day of April, 1910, and which form is hereby approved, which said mortgage secures a total issue of $200,000 par value, 6 per cent gold bonds, payable twenty years from May 1, 1910, as therein described.

Ordered: 2. That permission and authority be and hereby is given to the Deer River Power Company to issue at the present time $67,000 par value of said bonds, which shall be sold at a price not less than 90 per cent of the par value thereof and accrued interest and without further charge or discount, proceeds of said sale to be devoted to the following purposes and no other: to pay for and discharge certain note obligations and indebtedness due from said company and detailed in a schedule submitted to this Commission in a letter written by S. R. Cleveland to the Hon. George H. Cobb, attorney, bearing no date, but filed with the papers in this proceeding on the 26th day of April, 1910, being notes, obligations, and accounts to the amount of $56,419.79, which said amount is itemized as follows: 1909: May 22, Watertown National Bank, demand note $3000; July 12, Watertown National Bank, demand note, $5000; August 12, Watertown National Bank, demand note, $5000; August 29, Watertown National Bank, demand note, $3000; November 15, Mrs. Inglehart, demand note, $5000. 1910: January 3, Farmers' National Bank, Adams, four-month note, $8000; January 4, P. A. Howard, four-month note, $4000; January 31, Mrs. Mather, one-month note, $3000; February 1, P. A. Howard, four-month note, $1000; March 4, National Union Bank, four-month note, $5000; March 14, National Union Bank, four-month note, $5000; January 31, C. D. Hodge and Company, three-month note, $1000; January 31, order given by C. D. Hodge, $500; January 31, W. W. Conde, account due, $490; January 31, Eager Electric Company, $390; January 31, S. Morgan Smith Company, $694; due S. R. Cleveland, balance on engineering, $2400; due S. R. Cleveland, cash items paid, $3945; interest on said amounts for one year from January 31, 1910, $3385.19: total, $59,804.98; which said indebtedness of $56,419.79 was incurred by said Deer River Power Company, as appears by the evidence of Stephen R. Cleveland in this proceeding, for the purposes and no other set forth in schedule A attached to the petition herein.

Ordered: 3. That in the opinion of the Commission the issue of the capital to be secured by the issuance of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 4. That said Deer River Power Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 90 per cent of their par value; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and such reports shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

Ordered: 5. That that part of the petition herein which asks for a modification of the order of this Commission dated August 11, 1909, made in Case No. 908, and to increase the amount of stock authorized to be issued under said last named order, be held for further consideration.

[Case No. 1332]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the EAST CREEK ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law. — Modified order.

Whereas, On the 21st day of April, 1910, this Commission made its order authorizing the East Creek Electric Light and Power Company to issue $1,750,000 of bonds for the purpose of using the same for certain items contained in said order; and

Whereas, In said order a mistake was made in the item "Railroad Branch, Little Falls to Dolgeville, $50,000." which should have read "Railroad Branch, Little Falls to Dolgeville, $15,000"; it is

Ordered: That the order issued as aforesaid be and hereby is modified and corrected so that said item shall read "Railroad Branch, Little Falls to Dolgeville, $15,000." instead of "Railroad Branch, Little Falls to Dolgeville, $50,000".

[Case No. 390]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

Petition of the MOHAWK POWER COMPANY under section 69 of the Public Service Commissions Law as to issuing capital stock.

After due deliberation it is

Ordered: That the matter of the petition of the Mohawk Power Company under section 69 of the Public Service Commissions Law for consent to the issue of the $100,000 common capital stock, par value $100 a share, named in its articles of association, be and is hereby closed upon the records of this Commission, it appearing by letter from Elmer J. West, general manager, dated May 11, 1910, and received by this Commission May 12, 1910, that a dismissal of the application will be satisfactory to the receivers of the company.

[Case No. 1282]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the GENESEE LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law as to issuing capital stock.

After due hearing and deliberation it is

Ordered: 1. That Genesee Light and Power Company be and it is hereby authorized to issue one thousand shares of its preferred stock of the par value of $100 per share, and five hundred shares of its common stock of the par value of $100 per share: total par value of perferred stock $100,000. total par value of common stock $50,000. That the said stock, both preferred and common, be used for the following purpose and no other, namely, to acquire all the property and franchises which were of the Genesee County Electric Light, Power and Gas Company, being the property and franchises of said corporation which were sold at judicial sale on the 8th day of September, 1909, pursuant to a judgment or decree of the United States Circuit Court for the Western District of New York, and which were purchased at said sale by George M. Kimball, Walter C. Lewis, and Rudolph F. Robe as trustees.

Ordered: 2. That in the opinion of the Commission the capital to be secured by the issue of said stock is reasonably required for the said purposes of the corporation.

Ordered: 3. That the opinion of Commissioner Stevens in said matter be adopted as the opinion of the Commission.

Ordered: 4. That upon the use of said capital stock for the purpose named in this order a verified report shall be made to this Commission by the Genesee Light and Power Company that it was so used.

[Case No. 1496]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the SYRACUSE LIGHTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue $354,000 in bonds to be secured by an existing mortgage.

Modified order.

Whereas, An order was issued by this Commission dated February 24, 1910, in the matter of the petition of the Syracuse Lighting Company in-

der section 69 of the Public Service Commissions Law for authority to issue $354,000 bonds to be secured by an existing mortgage, the proceeds derived from the sale of said bonds to be used for purposes set forth in the petition herein: among others, for the purchase of four electric trucks at an estimated total cost of $8000; and

Whereas, It is now the desire of the applicant to purchase one 1000-pound truck, two 2000-pound trucks, and two extra batteries for the three trucks, at the total cost of $8220 rather than the three trucks mentioned in applicant's petition, as set forth in a letter from J. C. DeLong, vice-president and general manager, dated May 5, 1910, and received by this Commission May 6, 1910; it is

Ordered: That the consent of this Commission be and the same hereby is given to the applicant to purchase with the proceeds derived from the sale of the bonds heretofore authorized the three trucks and extra batteries above described in place of the four trucks mentioned in the petition herein and referred to in this Commission's order dated February 24, 1910.

[Case No. 1536]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the SNYDER GAS COMPANY, of Erie county, under sections 68, 69, and 70 of the Public Service Commissions Law.

Whereas, The Snyder Gas Company has presented its amended petition herein, verified on the 13th day of May, 1910, asking for permission and approval under section 68 of the Public Service Commissions Law to the exercise of a certain franchise given to it by the Town of Amherst, Erie county, N. Y., and dated on the 5th day of April, 1910; and further for the approval under section 70 of the Public Service Commissions Law of the transfer to it by Harry B. Huver, individually and as trustee of a certain lease agreement for drilling and operating a gas well in said town of Amherst, which said lease had been theretofore assigned to the said Huver by the Williamsville Natural Gas Company, which said company also joins in the amended petition herein; and

Whereas, Said petition further shows that prior to the application of the petitioners to this Commission the Snyder Gas Company had exercised certain rights under said franchise and begun the construction of a gas distributing plant in the town of Amherst and the furnishing of natural gas to certain customers in said town; and further shows that the said Snyder Gas Company had issued certain shares of its stock prior to its application to this Commission; and

Whereas, It appears by evidence given on the hearing herein that said construction and said issuance of said stock was done under a misapprehension and not with intent to disobey in any way the Public Service Commissions Law; and

Whereas, Said amended petition further asks for the approval of this Commission to the acts of said company heretofore referred to, and also for its approval under section 69 of the Public Service Commissions Law of the issuance of said stock already put out, and also of the issuance of the bal-

ance of said stock remaining in the treasury as heretofore set forth; now therefore

Ordered: 1. That the permission and approval of this Commission be and hereby is given to the petitioner, the Snyder Gas Company, to begin construction and exercise its rights and privileges under a certain franchise granted to the petitioner, the Snyder Gas Company, on the 5th day of April, 1910, by the supervisor and other officers of the Town of Amherst, Erie county, N. Y., to construct, maintain, and operate pipes, conduits, poles, and wires upon the surface of, through, under, and along the various highways, streets, avenues, lanes, parks, and squares, both public and private, in any and all parts of the town of Amherst, Erie county, N. Y., for the purpose of furnishing gas, electricity, steam, and hot water to any and all corporations and individuals located within said town of Amherst, on the conditions, etc., in said franchise named, which said franchise was produced upon the hearing herein and is marked "Petitioner's Exhibit No. 5, April 30, 1910"; and that this approval shall include all acts of the petitioner, the Snyder Gas Company, heretofore done under said franchise, in beginning construction of its works in the town of Amherst.

Ordered: 2. That consent be and hereby is given under section 70 of the Public Service Commissions Law to the petitioner, the Snyder Gas Company, and to the Williamsville Natural Gas Company, to the transfer by the Williamsville Natural Gas Company through Harry B. Huver, individually and as trustee, to the Snyder Gas Company, of certain articles of agreement made between one John Kabel of the town of Amherst and the Williamsville Natural Gas Company dated July 12, 1909, and produced on the hearing herein and marked "Exhibit No. 2, April 30, 1910," which said agreement gives to the said Williamsville Natural Gas Company the right to drill and operate a gas well on premises owned and occupied by the said John Kabel in the town of Amherst, county of Erie and State of New York, which assignment by the said Williamsville Natural Gas Company to H. B. Huver was produced on the hearing and marked "Exhibit No. 3, April 30, 1910," and which said assignment by said Huver individually and as trustee to the Snyder Gas Company dated February 17, 1910, was produced on said hearing and marked "Exhibit No. 4, April 30, 1910"; all of which said assignments are hereby consented to by this Commission.

Ordered: 3. That the consent and approval under section 69 of the Public Service Commissions Law be and hereby is given to the petitioner, the Snyder Gas Company, to the issuance of its entire capital stock, consisting of 100 shares of the par value of $50 each, for the purposes and those only hereinafter set forth: (*a*) $1564.07 thereof for the expenses of drilling the said well on the Kabel farm as itemized in a certain voucher produced on the hearing and marked "Exhibit No. 6, April 30, 1910," which said amount was paid to J. W. Stearns as appears by said voucher for drilling and fitting up the said gas well as therein set forth; (*b*) $250 for the services and expenses of H. B. Huver in promoting and looking after the drilling of the well, obtaining the franchises from the town, and the organization of the company; (*c*) $435.93 for the purchase price of the lease agreement with the said John Kabel hereinbefore referred to, which said amount is shown to be the value of the gas well over and above the cost of putting down the same; (*d*) $1000 in full settlement of the items of disbursement shown on the financial report of the Snyder Gas Company, filed on the hearing herein and marked "Applicant's Exhibit No. 7," and including in these amounts all incorporation expenses, state tax, office supplies, labor, etc., also supplies and labor in installing a distributing plant in the town of Amherst; (*e*) $1750 par value of said stock to be issued hereafter for the following purpose: to wit, the drilling and equipping a second gas well to be located on property now owned by Arthur E. Hedstrom and W. Allen Gardner, or so much thereof as may hereafter be shown to have been expended in the drilling and equipment of said well, in accordance with a certain estimate submitted herein on the hearing on May 13, 1910, and contained in an affidavit of Harry B. Huver sworn to on the 13th day of May, 1910,

and marked "Exhibit 8" herein; said issue of $1750 of stock or any part thereof is to be made in payment for the drilling and equipping of said well only, and not for any other purpose without further application to this Commission.

Ordered: 4. That in the opinion of this Commission the capital to be secured by the issuance of such stock is reasonably required for the said purposes of the corporation.

Ordered: 5. That said Snyder Gas Company, upon the issuance or sale of any of said capital stock not now issued, shall make a verified report to this Commission, giving the facts in relation to such issuance or sale which must be for the par value of said capital stock; that said Snyder Gas Company at the termination of six months from the date of this order shall make a verified report to this Commission, setting forth in reasonable detail the purposes to which said capital stock or the proceeds thereof have been devoted; and that such reports shall be made at six months intervals thereafter until all of said capital stock or the proceeds thereof have been used for the purposes named in this order, or further application concerning part of said capital stock has been made to this Commission, in accordance with the terms of this order.

[Case No. 1561]

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman.
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Joint Petition of THE RIVERHEAD ELECTRIC LIGHT COMPANY and the HALLETT LIGHT AND POWER COMPANY under sections 69 and 70 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: 1. That pursuant to section 70 of the Public Service Commissions Law this Commission hereby consents that the Hallett Light and Power Company may transfer all its franchises, property, works, and system to The Riverhead Electric Light Company, and that the said The Riverhead Electric Light Company may acquire and hold said franchises, property, works, and system.

Ordered: 2. That the said The Riverhead Electric Light Company be and it is hereby authorized to pay for said franchises, property, works, and system in the following manner: to wit, it shall recall all of its capital stock now outstanding, amounting at par value to $7500, and issue new stock to the amount par value of $6000, of which stock to the par value of $3000 shall be issued to the stockholders of The Riverhead Electric Light Company in the proportions its stock is now held by its stockholders, and the remaining $3000 of stock par value to the Hallett Light and Power Company or to such person or persons as it shall designate in payment for said property transferred.

Ordered: 3. That the said The Riverhead Electric Light Company be and it is hereby authorized, upon compliance with all provisions of law, to reduce its capital stock as herein set forth. That in the opinion of the Commission the use of the capital to be secured by the issue of said stock to the amount of $3000 for the purchase of said property is reasonably required for the said purposes of the corporation.

Ordered: 4. That upon the completion of said proceedings in accordance with the terms of this order a verified report shall be made to this Commission by The Riverhead Electric Light Company setting forth the facts thereof.

[Case No. 1572]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the EAST HAMPTON ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to execute and deliver a first mortgage on its property for $50,000, and to issue now $34,500 in bonds to be secured by said mortgage, and to issue in the future $15,500 in bonds to be secured by said mortgage.

Whereas, The petitioner herein filed its petition dated March 29, 1910, asking for an issue of $50,000 bonds to be secured by mortgage on all its property, and a present issue of $34,500 thereunder; and

Whereas, The said petitioner thereafter, and on the 21st day of May, 1910, filed its amended petition herein asking that the total issue of bonds to be secured by said mortgage be made $60,000 instead of $50,000; now therefore it is

Ordered: 1. That the East Hampton Electric Light Company be authorized to execute and deliver to The New York Trust Company its first mortgage upon all its property, both real and personal, to secure bonds in the aggregate amount of $60,000, which said bonds are to be first mortgage 6 per cent twenty-five year gold bonds of the denomination of $500 each, payable in gold coin, and bearing interest at the rate of 6 per cent per annum, payable semiannually, with the right of the mortgagor therein to redeem any and all of said bonds at a premium of 1 per cent and accrued interest at any interest paying period; and that the form of mortgage submitted herein by the petitioner and filed with this Commission on the 21st day of May, 1910, be and the same is hereby approved.

Ordered: 2. That the petitioner, the East Hampton Electric Light Company, be and it is hereby authorized to issue at the present time $34,500 par value of said bonds, to be sold at not less than par, and the proceeds thereof to be expended by the petitioner for the following purposes only: to pay off and discharge fourteen notes given by the petitioner, as follows: note dated May 12, 1906, payable to S. M. Jones, on demand, $1000; note dated May 14, 1906, payable to G. L. McAlpin, on demand, $500; note dated May 12, 1906, payable to C. L. W. Eidlitz, on demand, $500; note dated May 12, 1906, payable to H. A. James, on demand, $500; note dated May 14, 1906, payable to E. Herrick, on demand, $500; note dated May 14, 1906, payable to E. Herrick, on demand, $500; note dated June 1, 1906, payable to G. L. McAlpin, on demand, $500; note dated June 30, 1906, payable to H. A. James, on demand, $500; note dated Apr. 14, 1910, payable to order of Jos. S. or Nelson C. Osborne, due Aug. 14, 1910, $5000; note dated Apr. 14, 1910, payable to order of Jos. S. Osborne or Nelson C. Osborne, due Aug. 14, 1910, $5000; note dated Apr. 14, 1910, payable to order of Jos. S. Osborne or Nelson C. Osborne, due Aug. 14, 1910, $5000; note dated Feb. 10, 1910, payable to order of Jos. S. Osborne or Nelson C. Osborne, due June 10.

1910, $5000; note dated Feb. 10, 1910, payable to order of Jos. S. Osborne or Nelson C. Osborne, due June 10, 1910, $5000; note dated Feb. 10, 1910, payable to order of Jos. S. Osborne or Nelson C. Osborne, due June 10, 1910, $5000: $34,500; the proceeds of which said notes have been expended by said company in the construction and improvement of its plant and facilities and the purchase of machinery and apparatus therefor, all as detailed in a schedule and inventory filed with this Commission on the 22nd day of April, 1910, in pursuance of an agreement made upon the hearing herein.

Ordered: 3. That in the opinion of the Commission the use of the capital to be secured by the issuance of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 4. That the said East Hampton Electric Light Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value thereof; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended in the manner herein prescribed.

[Case No. 1634]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman.
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE.
Commissioners.

In the Matter of the Application of the GENEVA-SENECA ELECTRIC COMPANY under section 69 of the Public Service Commissions Law.

The Geneva-Seneca Electric Company having on May 6, 1910, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue a sufficient amount of bonds at 90 per cent of their par value to enable said company to provide the proceeds with which to purchase the property of the Economic Power and Construction Company; and a public hearing on said petition having been held by this Commission in the city of Albany on the 19th day of May, 1910, *James O. Carr* appearing for the petitioner the Geneva-Seneca Electric Company, and *Bissell & Riley* appearing for the Economic Power and Construction Company, and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Geneva-Seneca Electric Company be and it is hereby authorized to issue its bonds upon the security of its existing mortgage, conditioned as therein prescribed, to an amount sufficient to secure $103,000 but not exceeding in all $114,444. Said bonds to be sold at not less than 90 per cent of the par value thereof, and the proceeds to the said amount of $103,000 to be used for the sole purpose of paying the purchase price of the property of the Economic Power and Construction Company at Geneva, N. Y., according to the terms of a proposed agreement a copy of which is annexed to the petition asking for this authorization. That in case the said Geneva-Seneca Electric Company shall exercise the option given by said

agreement to assume the payment of bonds secured by mortgage upon the property purchased, it shall file notice of election so to do with this Commission. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purpose of the corporation.

Ordered: 2. That said Geneva-Seneca Electric Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 90 per cent of their par value; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1332]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the EAST CREEK ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law.

Supplemental order.

Ordered: That the form of the trust mortgage filed with this Commission May 27, 1910, by the East Creek Electric Light and Power Company, be and the same is hereby approved.

[Case No. 1039]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

Petition of the GENEVA-SENECA ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to execute and deliver a mortgage.

Modified order.

It appearing to the satisfaction of the Commission that the mortgage to be executed by the Geneva-Seneca Electric Company pursuant to the order of this Commission made April 5, 1910, should provide for the issuance of bonds to the amount of $750,000 instead of $500,000, and that various other

changes in the form and terms of said proposed mortgage are desirable; it is

Ordered: That the said Geneva-Seneca Company be and it is hereby authorized to execute the mortgage authorized by said order of April 5, 1910, to secure bonds to the amount of $750,000 instead of $500,000, that it may execute said mortgage to such trustee as it may elect, and that it may at its option make the term of said mortgage and of the bonds to be secured thereby not less than thirty years nor more than fifty years.

[Case No. 1332]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE.
Commissioners.

In the matter of the Application of the EAST CREEK ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law. — Second supplemental order.

Ordered: That the amended mortgage of the East Creek Electric Light and Power Company filed June 8, 1910, in and by which on page 26 of said mortgage there is interlined "or may by any amendment thereto be hereafter authorized and allowed by the Public Service Commission," be and the same is hereby approved.

[Case No. 1625]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the application of the ITHACA-AUBURN POWER COMPANY under section 69 of the Public Service Commissions Law as to issuing capital stock, a mortgage, and mortgage bonds.

After due deliberation it is

Ordered: That the matter of the application of the Ithaca-Auburn Power Company under section 69 of the Public Service Commissions Law as to issuing capital stock, a mortgage, and mortgage bonds be and hereby is closed upon the records of this Commission, it being the unanimous opinion of the Commission that the granting of the application would be wholly in contravention of law, as more fully set forth in a letter written by the Chairman, dated May 27, 1910, and addressed to Messrs. Tompkins, Cobb and Cobb, attorneys for the applicant.

[Case No. 1638]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the CONANT-BRYANT POWER COMPANY under section 69 of the Public Service Commissions Law as to issuing common capital stock, and under section 68 of the Public Service Commissions Law as to construction and exercise of franchise in the town of Wilson, Niagara county.

In the matter of the petition of the Conant-Bryant Power Company under section 69 of the Public Service Commissions Law for permission to issue the $25,000 in common capital stock, par value $100 a share, named in its articles of association; and under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate poles and wires for transmitting and furnishing to the public electricity in the town of Wilson, Niagara county, and for approval of the exercise of a franchise therefor from the town board and superintendent of highways of said town; after due deliberation it is

Ordered: 1. That under section 68 of the Public Service Commissions Law the Conant-Bryant Power Company is hereby authorized to begin construction and exercise the franchise granted to it by the Town of Wilson, in the form of a resolution passed by the town board of the Town of Wilson, N. Y., on the 27th day of April, 1910, a copy of which is attached to the petition herein and marked "Exhibit A," on the hearing herein held on the 21st day of May, 1910.

Ordered: 2. That under section 69 of the Public Service Commissions Law the Conant-Bryant Power Company is hereby authorized to issue its stock to the amount of $25.000 par value, the proceeds of said stock to be used for the following purposes and no other: to wit, $13,500 thereof for the purchase and instalment by the said Conant-Bryant Power Company of an electric plant and power house, with engines, machinery, etc., as detailed in the schedule attached to the petition herein and marked "Schedule A"; $4,637.48 thereof for the purpose of line construction in the town and village of Wilson, as set forth in "Schedule A" attached to the petition hereinbefore referred to; $400 thereof for the purchase of a power house lot on Harbor street in the village of Wilson: $2.280 for engineering fees and expenses of the engineers from the beginning of the enterprise until the said plant is fully constructed, equipped, and ready for operation; $400 for the legal expenses and incorporation expenses of the company, including the expenses of obtaining the franchise and promoters' fees in connection therewith; $682.52 for a contingent fund to cover contingencies in construction of the plant and distribution system as above set forth; $3,100 to be set aside as working capital.

Ordered: 3. That in the opinion of the Commission the use of the capital to be secured by the issue of such stock is reasonably required for the said purposes of the corporation.

Ordered: 4. That said Conant-Bryant Power Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $25,000 in capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be

less than the par value of said capital stock; (*b*) at the termination of each and every period of six months from the date of this order the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds of said capital stock have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said capital stock have been expended, in accordance with the terms of this order.

[Case No. 1682]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the FULTON COUNTY GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue $99,000 par value of its 6 per cent 3-year gold notes.

After due deliberation it is

Ordered: 1. That the Fulton County Gas and Electric Company be and it is hereby authorized to issue its 3-year, 6 per cent gold notes, dated March 1, 1910, interest payable September 1st and March 1st in each year, for the aggregate principal sum of $99,000, said notes to be sold at par and accrued interest, and the proceeds thereof to be used for the following purposes only: to wit, to construct a transmission line from the power station of the Mohawk Hydro-Electric Company in Ephratah to the station of said Fulton County Gas and Electric Company in Gloversville, all as set forth and detailed in Exhibit B of the application of said company for this authorization. That in the opinion of the Commission the capital to be secured by the issue of said notes is reasonably required for the said purposes of the corporation.

Ordered: 2. That said Fulton County Gas and Electric Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said notes hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than par and accrued interest; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said notes, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such report shall be made until all of the proceeds of said notes have been expended, in accordance with the terms of this order.

[Case No. 1670]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the CANISTEO GAS COMPANY under section 69 of the Public Service Commissions Law as to issuing a mortgage and mortgage bonds.

After due hearing and deliberation it is

Ordered: 1. That the Canisteo Gas Company be and hereby is authorized to execute a first mortgage, covering all properties owned or hereafter to be acquired by it, to Knickerbocker Trust Company of New York city as trustee, to secure the payment of bonds in the amount of $50,000, said bonds to become due and payable on the 1st day of January, 1950, and to bear interest at the rate of 5 per centum per annum, to be payable on the 1st days of January and July of each year, said mortgage to be in the form submitted with the petition for this authorization.

Ordered: 2. To issue presently upon the security of said mortgage, bonds to the amount of $12,000 par value, said bonds to be used for the following purpose, and no other: to wit, to retire the present outstanding bonds amounting to $12,000 which became due October 1, 1908. That in the opinion of the Commission the use of the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 3. That upon the use of said $12,000 in mortgage bonds hereby authorized to be issued to retire the present outstanding bonds amounting to $12,000, the said Canisteo Gas Company shall make verified report to this Commission of the facts of such transactions.

Ordered: 4. That further proceedings in this matter respecting the application of the corporation for approval of the issue of said bonds in the amount of $8,000 par value, proposed to be used in the discharge of certain bills payable, be suspended, pending the submission of proof as to the purposes for which the proceeds of said bills payable were expended.

[Case No. 1400]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of HOWARD A. PIERCE ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law as to issuing capital stock.

After due hearing and deliberation it is

Ordered: 1. That the Howard A. Pierce Electric Light Company be and it is hereby authorized to issue its capital stock in the amount of $12,500 par

value, to consist of 125 shares each of the par value of $100, said stock or the proceeds thereof to be used for the following purpose and no other: to wit, in the purchase of the interests of Howard A. Pierce, Elizabeth Pierce, and Laura S. Frank in and to the electric light plant in the village of Hamburg, Erie county, as described and set forth in a certain inventory of said plant and property made by Howard A. Pierce, verified May 10, 1910, and filed with this Commission May 23, 1910, and of the franchises in said village and the town of Hamburg, rights of way over private property, contracts, and all other property used in connection with said plant; the use of the capital to be secured by the issue of said stock being in the opinion of the Commission reasonably required for the said purposes of the corporation.

Ordered: 2. That said Howard A. Pierce Electric Light Company shall make verified reports to this Commission as follows: (*a*) upon the sale (if sold) of said $12,500 capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and such reports shall be made until all of the proceeds of said capital stock have been expended, in accordance with the terms of this order; (*c*) if said $12,500 capital stock is not sold, but is used for the acquirement by said company of the property hereinbefore described, said company shall make verified report to this Commission, setting forth the facts of said proceeding; and shall report at the termination of each and every period of six months after the date of this order the facts in relation to said proceeding until it is completed.

[Case No. 1586]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ORANGE COUNTY TRACTION COMPANY as to issuing a mortgage and mortgage bonds.

After due deliberation it is

Ordered: That the Orange County Traction Company be and it is hereby authorized to execute a supplemental indenture, a copy whereof is annexed to the petition of said company dated June 20, 1910, and verified the same day by D. E. Ainsworth, its attorney, and that the form of bonds be changed as therein specified for and because of the facts set forth in said petition.

[Case No. 1510]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of PALMYRA GAS AND ELECTRIC COMPANY, NEWARK (N. Y.) GAS LIGHT AND FUEL COMPANY, NEW LIGHT, HEAT AND POWER COMPANY, LYONS GAS LIGHT COMPANY, and WAYNE COUNTY ELECTRIC COMPANY for approval of the consolidation of the companies into the Wayne County Gas and Electric Company, and for leave to the proposed consolidated corporation to execute a mortgage covering the property of the consolidated companies and to issue stock and bonds thereunder.

Ordered: That the opinion of Commissioner Decker in the above entitled matter be and is hereby adopted as the opinion of the Commission and directed to be printed, and that a copy thereof be transmitted to the applicants.

[Case No. 1542]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the CATSKILL TRACTION COMPANY for consent to issue a first mortgage, etc.

Whereas, On April 5, 1910, this Commission made its order approving the form of a certain trust mortgage and bonds to be given by the Catskill Traction Company to the Carnegie Trust Company for $400,000, payable in thirty years, with interest at 5 per cent, and the said Catskill Traction Company has this day filed a new proposed mortgage and bond to the same Carnegie Trust Company for the same amount and payable at the same time and desires the same approved as to its form, in the place of said prior mortgage,

Ordered: That the form of said new mortgage and bond this day filed be and the same is hereby approved.

[Case No. 1630]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman.
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE DANSVILLE GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue $10,000 of gold bonds.

Whereas, This Commission did by order dated May 26, 1909, authorize The Dansville Gas and Electric Company to execute a first and refunding mortgage to secure the issue of gold bonds to the amount of $125,000, and to issue and sell at not less than eighty-five per cent of their par value $20,000 of said bonds for the purpose of discharging bills payable, meeting the cost of new extensions and improvements and providing a fund for working capital; and

Whereas, The deed of trust or mortgage authorized by said order was executed on the 1st day of July, 1909, by the applicant herein to the Colonial Trust Company of Philadelphia, Penna., as trustee, section 7 of article 1 of which provides that the trustee shall reserve and set apart bonds of the issue secured thereby of the par value of thirty thousand dollars ($30,000), representing the balance of the issue of bonds so secured, and the bonds so reserved and set apart shall be used by the company solely for the purpose of acquiring additional property, real or personal, useful in the business of the company or for extensions, improvements, or betterments of or to the property at any time owned by the company, as more particularly set forth and described in said section 7 of the mortgage above mentioned, a copy of which is on file with and made a part of the petition herein; now therefore, after hearing and deliberation, it is

Ordered: 1. That the said The Dansville Gas and Electric Company be and it hereby is authorized to issue and sell at not less than eighty-five per cent of their par value, $10,000 of said bonds reserved and set aside as above described, the proceeds from the sale of which shall be used solely in payment of the costs of extensions and improvements to the company's plants, including the items set forth in the schedule annexed to the petition herein and marked "Exhibit A," and for no other purpose. That in the opinion of the Commission the use of the capital to be secured by said bonds is reasonably required for the purposes of the corporation.

Ordered: 2. That said The Dansville Gas and Electric Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than eighty-five per cent of their par value: (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order: and such reports shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1670]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the matter of the Petition of the CANISTEO GAS COMPANY under section 69 of the Public Service Commissions Law as to issuing a mortgage and mortgage bonds.

Supplemental order.

Ordered: 1. Supplemental to the order of this Commission entered June 13, 1910, in the matter of the petition of the Canisteo Gas Company under section 69 of the Public Service Commissions Law, authorizing the said company to execute a first mortgage to secure the payment of bonds in the amount of $50,000, and to issue upon the security of said mortgage bonds to the amount of $12,000, to be used to retire outstanding bonds in the same amount, that the approval of this Commission be and it is hereby given that the Canisteo Gas Company may issue additional bonds upon the security of said mortgage to the amount of $10,500, to be sold to net the company not less than 85 per centum of their par value, the proceeds realized from the sale to be used in the discharge of obligations as follows, and for no other purpose: in payment to the Associated Gas and Electric Co., $5000; in payment to the Hornell Gas Light Co., $3000; in payment to the Empire Gas and Fuel Co., $833.32; total, $8833.32; said sums respectively having been advanced as set forth and described in the supplemental petition filed herein and exhibits submitted thereafter to retire certain bonds of the Canisteo Gas Company. That in the opinion of the Commission the capital to be secured by the issue of bonds herein provided for is reasonably required for the said purposes of the corporation.

Ordered: 2. That said Canisteo Gas Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $10,500 in mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 85 per centum of their par value; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1579]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of a Petition under section 69 of the Public Service Commissions Law of the BATH ELECTRIC AND GAS LIGHT COMPANY for consent to the issuance of a mortgage and mortgage bonds.

After due hearing and deliberation it is

Ordered: That the authorization of this Commission be and it is hereby given that the Bath Electric and Gas Light Company may execute a first mortgage upon all its property, securing an issue of $250,000 of bonds to mature thirty years after date and bearing interest at the rate of 5 per cent per annum, and may issue at this time $150,000 of said bonds; that said $150,000 of bonds or the proceeds thereof shall be applied as follows, and to no other purpose: (1) $44,500 of said bonds to be sold at not less than 80 per centum of their par value, and the proceeds used in making extensions, betterments, and improvements to the plant and property of the corporation at the cost of $35,350, in accordance with the estimates set forth in the petition; (2) the balance of said bonds, together with the balance of proceeds of the aforesaid bonds in the amount of $44,500 unexpended for the purposes for which said amount is authorized to be issued, be used (*a*) to refund present outstanding bonds in the amount of $100,000 par value, and (*b*) to discharge bills payable in the amount of $31,990.15. That this authorization is upon the express condition that said issue of $150,000 of bonds shall meet in full the aforesaid purposes for which their issue is approved. That in the opinion of the Commission the capital to be secured by the issue of said $150,000 of bonds is reasonably required for the purposes of the corporation.

It is further Ordered: That said Bath Electric and Gas Light Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than authorized by this order; (*b*) upon the use of any of said bonds for the purposes authorized by this order, the facts in detail in regard to said use; (*c*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 848]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the NEWARK GAS LIGHT AND FUEL COMPANY under section 69 of the Public Service Commissions Law for authority to execute and deliver a mortgage and to issue bonds to be secured by said mortgage.

Whereas, In the matter of the petition of the Newark Gas Light and Fuel Company under section 69 of the Public Service Commissions Law for authority to execute and deliver a mortgage and to issue bonds to be secured by said mortgage, an order was entered by this Commission on the 12th day of July, 1909, authorizing said company to execute a mortgage and to issue, secured thereby, bonds in the amount par value of $30,000; and

Whereas, The Newark Gas Light and Fuel Company has not executed said mortgage and has not in any respect whatsoever availed itself of its rights and privileges under said order, and has entered into an agreement of consolidation with certain other corporations under the corporate name of Wayne County Gas and Electric Company, pursuant to which bonds are to be issued by said Wayne County Gas and Electric Company to meet the purpose of the bonds authorized to be issued by said order, as more fully appears in the matter of the petition of said Palmyra Gas and Electric Company et al. and in the supplemental petitions and evidence therein (Case 1510);

Ordered: That the order of this Commission entered the 12th day of July, 1909, in the matter of the petition of the Newark Gas Light and Fuel Company under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage and to issue bonds to be secured by said mortgage, be and the same is hereby abrogated.

[Case No. 851]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED.
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the LYONS GAS LIGHT COMPANY under section 69 of the Public Service Commissions Law for authorization to issue bonds.

Whereas, In the matter of the application of Lyons Gas Light Company under section 69 of the Public Service Commissions Law for authorization to issue bonds, an order was duly entered by this Commission on the 27th day of August, 1909, authorizing said company to execute a mortgage upon

all of its property and franchises to secure the payment of mortgage bonds in the aggregate amount of $100,000, and to issue said bonds in the amount of $50,000 to be used in the discharge of certain notes of said corporation and for certain construction, betterments, and improvements; and

Whereas, The Lyons Gas Light Company has not executed said mortgage and has not in any respect whatsoever availed itself of its rights and privileges under said order, and has entered into an agreement of consolidation with certain other corporations under the corporate name of Wayne County Gas and Electric Company; and

Whereas, It is proposed to discharge said obligations and to meet the cost of said construction with the proceeds of bonds issued by the Wayne County Gas and Electric Company, as more fully appears in the matter of the petition of Palmyra Gas and Electric Company et al. and in the supplemental petitions and evidence therein (Case 1510);

Ordered: That the order of this Commission entered the 27th day of August, 1909, in the matter of the application of Lyons Gas Light Company for authorization to issue bonds under section 69 of the Public Service Commissions Law, be and the same is hereby abrogated.

[Case No. 855]

State of New York.
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of July, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the application of Palmyra Gas and Electric Company under section 69 of the Public Service Commissions Law for authority to issue bonds.

Whereas, In the matter of the application of Palmyra Gas and Electric Company under section 69 of the Public Service Commissions Law for authority to issue bonds, an order was entered by this Commission on the 27th day of August, 1909, duly amended the 8th day of October, 1909, authorizing said company to execute a mortgage, and to issue, secured thereby, bonds in the aggregate amount of $60,000; and

Whereas, The Palmyra Gas and Electric Company has not executed said mortgage and has not in any respect whatsoever availed itself of its rights and privileges under said orders, and has entered into an agreement of consolidation with certain other corporations under the corporate name of Wayne County Gas and Electric Company, pursuant to which it is proposed that the Wayne County Gas and Electric Company shall issue its corporate bonds to meet the purposes for which the bonds were authorized to be issued by the Palmyra Gas and Electric Company by the orders above referred to, as more fully appears in the matter of the petition of Palmyra Gas and Electric Company et al. (Case 1510), and in the supplemental petitions and evidence therein;

Ordered: That the order of this Commission entered the 27th day of August, 1909, and as modified the 8th day of October, 1909, in the matter of the application of the Palmyra Gas and Electric Company for authority to issue bonds under section 69 of the Public Service Commissions Law, be and the same is hereby abrogated.

[Case No. 1510]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION. SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of PALMYRA GAS AND ELECTRIC COMPANY, NEWARK (N. Y.) GAS LIGHT AND FUEL COMPANY, THE NEW LIGHT, HEAT AND POWER COMPANY, LYONS GAS LIGHT COMPANY, and WAYNE COUNTY ELECTRIC COMPANY for approval of agreement of consolidation under the corporate name of Wayne County Gas and Electric Company; and of the application of the WAYNE COUNTY GAS AND ELECTRIC COMPANY for approval of the issue of capital stock in the amount par value of $200,000.

Whereas, Upon the petition and all the evidence it appears —

1. That the capital stock, par value, issued and outstanding, of the respective constituent companies is as follows: Palmyra Gas and Electric Company, $25,000; Newark (N. Y.) Gas Light and Fuel Company, $50,000; Lyons Gas Light Company, $30,000; The New Light, Heat and Power Company, $40,000; Wayne County Electric Company, $100,000; total, $245,000.

2. That the capital stock of the Wayne County Gas and Electric Company, in the amount par value of $200,000, is to be issued in exchange for said capital stock of the constituent companies, and that therefore the capital stock of Wayne County Gas and Electric Company will be $45,000 less than the sum of the capital stock of the corporations consolidated.

3. That by means of the surrender of capital stock and charging off surplus, as the case may be with the respective constituent companies, the fixed capital account of the consolidated company will be credited with the sum of $56,700.65.

4. That obligations of certain of the constituent companies: to wit, of the Palmyra Gas and Electric Company in the sum of $9,081.91, and of the Lyons Gas Light Company in the sum of $3,972.71, aggregating $13,054.62, have been canceled by and with the consent of the payee, thereby reducing by that amount the obligations to be assumed and discharged by the Wayne County Gas and Electric Company.

Now, in consideration of the above facts, and the Commission being of the opinion that the consolidation should promote the public interest, especially in respect of additional and improved service, and should be approved,

Ordered: 1. That the approval of this Commission be and is hereby given to the agreement of consolidation under the corporate name of Wayne County Gas and Electric Company, entered into the 24th day of June, 1910, by and between the Palmyra Gas and Electric Company, Newark (N. Y.) Gas Light and Fuel Company, The New Light, Heat and Power Company, Lyons Gas Light Company, and Wayne County Electric Company, and that such approval shall be indorsed by the Secretary upon two copies of the consolidation agreement for purposes of record as required by law.

Ordered: 2. That the approval and consent of this Commission be and is hereby given that the Wayne County Gas and Electric Company may issue its capital stock in the amount par value of $200,000, for the present entire outstanding capital stock of the respective corporations to the consolidation on the following basis, and for no other purpose, the said issue being in the opinion of the Commission reasonably required for such pur-

pose: $20,000 par value of the capital stock of Wayne County Gas and Electric Company for $25,000 par value of the capital stock of Palmyra Gas and Electric Company; $50,000 par value of the capital stock of Wayne County Gas and Electric Company for $50,000 par value of the capital stock of Newark Gas Light and Fuel Company; $20,000 par value of the capital stock of Wayne County Gas and Electric Company for $30,000 par value of the capital stock of Lyons Gas Light Company; $40,000 par value of the capital stock of Wayne County Gas and Electric Company for $40,000 par value of the capital stock of New Light, Heat and Power Company; $70,000 par value of the capital stock of Wayne County Gas and Electric Company for $100,000 par value of the capital stock of Wayne County Electric Company.

Ordered: 3. That the Wayne County Gas and Electric Company shall make verified reports to this Commission as follows: upon the issuance of the various amounts of its capital stock named in this order for the amounts of the capital stock of the other companies named in this order, the facts in detail in relation thereto; and if said proceedings are not completed within six months from the date of this order, said Wayne County Gas and Electric Company shall make verified report to this Commission of the condition of said proceedings; and at the termination of each and every period of six months after the date of this order shall make reports as to the condition of such proceedings until the transactions are completed, in accordance with the terms of this order.

Ordered: 4. That the Wayne County Gas and Electric Company be and it is hereby directed to keep separately its accounts for the territories as now occupied by the respective corporations embraced in said consolidation.

[Case No. 854]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION. SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman.
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE.
Commissioners.

In the matter of the Application of the HOMER AND CORTLAND GAS LIGHT COMPANY for authority to issue bonds, under section 69 of the Public Service Commissions Law. — Order to show cause.

Whereas. In the above entitled matter this Commission did, by order dated August 27, 1909, authorize the Homer and Cortland Gas Light Company to issue its 5 per cent forty-year gold bonds to the amount of $160,000 par value, the proceeds derived from the sale of the same to be used for the following purposes, and no other: "(*a*) $100,000 to discharge or refund existing and outstanding bonds of said company to that amount, said bonds now outstanding stating the full bonded indebtedness of said Homer and Cortland Gas Light Company, being fully described as follows: First mortgage bonds of said company dated July 1, 1899, and maturing July 1, 1909, secured by a mortgage upon the property of said company to the Trust Company of America as trustee; (*b*) $39,750 to the discharge of certain promissory notes of said company which are described and set forth in full in schedule B annexed to the petition of the company for this authorization; (*c*) The remainder of said proceeds for additions and betterments to the plant and distributing system of said corporation to be hereafter designated by this Commission." And

Whereas, This Commission did further direct by said order that the Homer and Cortland Gas Light Company should make verified reports to this Commission as follows: (*a*) upon the sale of said bonds authorized by said order or any part thereof the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*b*) at the termination of each and every period of six months from the date of the order the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted; and that such reports should be made until all the proceeds of said bonds have been expended; and

Whereas, No report having been received in accordance with the terms and conditions as above set forth, and a review of the correspondence had in relation to said report shows that a series of letters between the dates of March 1, 1910, and July 5, 1910, have been written by this Commission requesting the filing of the said report in accordance with the terms of the order, and replies to these communications being merely requests for delays for nonfulfillment of the terms of the order; and a properly verified report not having been received from said company at any time in reference to the above mentioned bonds, it is

Ordered: That the Homer and Cortland Gas Light Company be and it is hereby directed and required to show cause before this Commission, at the city of Albany, at 2 p. m. on the 18th day of July, 1910, why an action should not be commenced against said company, pursuant to sections 58 and 59 of the Public Service Commissions Law, for failure to comply with the terms and conditions of this Commission's order dated August 27, 1909.

[Cases Nos. 1626, 1667, 1668] STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of various Applications under sections 68, 69, and 70 of the Public Service Commissions Law, of the CAYADUTTA GENERATING COMPANY, a domestic corporation.

After due hearing and deliberation it is

Ordered: 1. That Adam Z. Wemple and J. S. Wilson, comprising a copartnership and doing business under the firm name and title of the Cayadutta Generating Company, be and they hereby are permitted, under section 70 of the Public Service Commissions Law, to sell, transfer, and assign to the Cayadutta Generating Company, a domestic corporation organized and existing under and by virtue of article 7 of the Transportation Corporations Law of the State of New York, all their right, title, and interest to and in certain franchises granted to them as such copartners by the president and trustees of the Village of Fultonville, Montgomery county, N. Y., April 4, 1910; by the commissioners and superintendents of highways of the Town of Mohawk, Montgomery county, N. Y., September 7, 1909, and approved by Cornelius S. Lotridge, supervisor of the Town of Mohawk, September 7, 1909, and by the president and trustees of the Village of Fonda, N. Y., on the 4th day of April, 1910, copies of which are on file in this office, annexed to and made a part of the petition herein; which said

franchises grant to the aforesaid persons, rights and privileges for the construction and maintenance of an electric light system within the boundaries of the localities above mentioned; and that Adam Z. Wemple and J. S. Wilson, comprising the firm of the Cayadutta Generating Company, be and they hereby are permitted, under section 70 of the Public Service Commissions Law, to sell, transfer, and assign all their right, title, and interest to a certain contract entered into with the Village of Fonda, Montgomery county, N. Y., dated the 14th day of July, 1909, and to a certain contract made and entered into on the 14th day of July, 1909, with the Village of Fultonville, Montgomery county, N. Y., copies of which are on file in this office, annexed to and made a part of the petition herein.

Ordered: 2. That Adam Z. Wemple and J. S. Wilson as such copartners be and they hereby are permitted, under section 70 of the Public Service Commissions Law, to sell, transfer, and assign all their right, title, and interest to all their real and personal property now used by them in the operating of their electric light system, together with said electric light system, distributing system, and all fixtures and appliances of whatsoever nature, to the Cayadutta Generating Company, a domestic corporation.

Ordered: 3. That the said Cayadutta Generating Company, a domestic corporation, be and it hereby is permitted, under section 68 of the Public Service Commissions Law, to exercise the rights and privileges granted in the above mentioned franchises; and that the Cayadutta Generating Company, a domestic corporation, be and it hereby is permitted to construct, lay down, and maintain suitable conduits and other conductors and fixtures, together with all necessary connections and appurtenances, in and under the streets, highways, and public places of the villages of Fonda and Fultonville and the town of Mohawk, Montgomery county, N. Y., for the purpose of furnishing and distributing electricity for light, heat, and power in said villages and town and to the inhabitants thereof.

Ordered: 4. That the Cayadutta Generating Company, a domestic corporation, be and it hereby is permitted to issue (*a*) $30,000 of its common capital stock for the following purposes only: (1) to acquire by purchase from Adam Z. Wemple and J. S. Wilson all lands and premises, water power and water rights, machinery of all kinds, tools, lines and fixtures, transformers and devices, transmission system, furnaces and boilers, steam engines, accessory electric power equipment, electric generators, turbines and water-wheels, trunks, dams and canals, power plant building, meters, and all other machinery, property, and appliances now used by Adam Z. Wemple and J. S. Wilson in the operation of an electric light plant; (2) to acquire by purchase from J. S. Wilson his frame, three-story grist mill, together with all water-wheels, shafting, appurtenances and appliances, all of which property is located in the towns of Mohawk and Glen in the county of Montgomery, N. Y., as more particularly set forth in applicant's exhibit "C" annexed to and made a part of the petition herein, said property being of a greater value than said $30,000. (*b*) That the said Cayadutta Generating Company, a domestic corporation, be and the same hereby is authorized to execute and deliver to the Schenectady Trust Company as trustee, a first consolidated and refunding mortgage upon all its property, rights, and franchises to secure an issue of 5 per cent. 30-year gold bonds to an amount not exceeding $30,000, form of said mortgage to be submitted to this Commission for its approval before execution and delivery. (*c*) That said Cayadutta Generating Company, a domestic corporation, be and it is hereby authorized to issue its 5 per cent, 30-year gold bonds upon the security of and as provided in said mortgage to the amount of $30,000, for certain improvements, betterments, and extensions to the generating plant, as more fully set forth and described in applicant's schedule "D" annexed to and made a part of the petition herein.

Ordered: 5. That said bonds shall not be sold or disposed of at less than 90 per cent of their par value.

Ordered: 6. That in the opinion of the Commission the capital to be secured by the issue of said stock and bonds hereinbefore authorized is the amount reasonably required for the aforesaid purposes of the corporation, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 7. That said Cayadutta Generating Company, a domestic corporation, shall make verified reports to this Commission as follows: (*a*) upon the issuance of said capital stock for the purposes named in this order the facts in detail in relation to said proceeding; (*b*) upon the sale of the mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 90 per cent of their par value; (*c*) at the termination of each and every period of six months after the date of this order the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1696]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED.
Commissioners.

In the matter of the Application of the MOHAWK HYDRO-ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for approval of execution of mortgage, and for approval and permission to issue its bonds secured thereby to the amount of $1,000,000 par value, and to issue its capital stock in the amount of $675,000.

After due hearing and deliberation it is

Ordered: 1. That under section 69 of the Public Service Commissions Law the consent of this Commission be and it is hereby given that the Mohawk Hydro-Electric Company (1) may execute a mortgage upon all its property and franchises to such trustee as it may elect to secure the issue of bonds to the amount of $3,000,000 par value, payable 30 years after date, bearing interest at the rate of not to exceed 6 per cent per annum, the form of which said mortgage filed with this Commission on or about the 20th day of June, 1910, is hereby approved; (2) may issue its capital stock to the amount par value of $675,000, divided into $100,000 preferred stock and $575,000 common stock, and its bonds secured by the aforesaid mortgage to the amount par value of $932,000; that said bonds shall be sold at not less than 88 per cent of their par value; (3) that said capital stock and bonds in the amounts hereinabove authorized to be issued or the proceeds thereof shall be applied to the following purposes in not to exceed the amount herein stated for each said purpose, and to no other purpose, and without transfer of any balance to and for any other item, except as may be specially authorized hereafter by the Commission, to wit:

Preferred capital stock to the amount of $25,000 par value, and common capital stock to the amount of $350,000 par value: (*a*) In part payment for lands and water rights at Peck lake, Garoga lakes, and on and along

Garoga creek, at a total cost of $325,625, preferred stock in the amount of $25,000 and common stock in the amount of $175,000; (*b*) for preliminary expenses, common stock in the amount of $30,000; (*c*) for engineering fees, common stock in the amount of $20,000; (*d*) services of promoters and bankers, common stock in the amount of $125,000.

That the balance of said capital stock herein authorized to be issued, consisting of preferred stock in the amount of $75,000 and common stock in the amount of $225,000, together with so much of the total amount of bonds herein authorized to be issued in the amount of $932,000 par value as may be necessary, shall be used (*a*) in part payment for the balance of the costs of lands and water rights at Peck lake, Garoga lakes, and on and along Garoga creek, after the applications of preferred and common stock to this purpose as herein authorized, $125,625; (*b*) to the cost of constructing dams at Peck lake and on Garoga creek, $313,581; (*c*) to the cost of pipe line from the dam to power plant, with stand-pipe, $210,135; (*d*) to the cost of power house and machinery, $131,663; (*e*) to the cost of excavation, of tail-race, and clearing bed of stream, $21,000; (*f*) to the cost of miscellaneous expenses: legal, administration, surveying, etc., $67,000; (*g*) to the cost of clearing flood lands at Peck lake, on Garoga creek, and on and along pipe line, fences, and highways, $21,690; (*h*) to the cost of items omitted and extraordinary (contingencies 10 per cent), $114,069; (*i*) to interest during period of construction, $85,000; (*j*) to working capital, $25,000; (*k*) mortgage recording tax on 1000 bonds and tax on increase of capital stock, 1/20 of 1 per cent on $665,000, $5,332.50.

All of said expenditures to be made in accordance with the estimates more fully set forth in detail in the petition and accompanying affidavits.

Ordered: 2. That in the opinion of the Commission the capital to be secured as herein authorized is reasonably required for the aforesaid purposes of the corporation, and that except as otherwise permitted herein such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 3. That said Mohawk Hydro-Electric Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said capital stock hereby authorized to be issued or any of it, or its use for the purposes authorized by this order, the fact of such sale or use, the terms and conditions of sale or use, and the amounts or property realized therefrom which shall not be less or represent less than the par value of said capital stock; (*b*) upon the sale of the mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 88 per cent of their par value; (*c*) at the termination of each and every period of six months after the date of this order, the disposition and use made of said capital stock or of the proceeds of said capital stock and mortgage bonds, setting forth in reasonable detail the purposes to which said capital stock or the proceeds of said capital stock and mortgage bonds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of said capital stock and the proceeds of said capital stock and mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 986]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the PORT JERVIS LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law as to issuing capital stock, executing a mortgage, and issuing bonds under said mortgage.

On reading the affidavits of Thomas Watts, president of the Port Jervis Light and Power Company, and David R. Thomas, treasurer and manager of the Port Jervis Light and Power Company, and after consideration, it is

Ordered: That the limitation upon the sale of bonds to 90 per cent of par value thereof, as contained in the order entered herein January 6, 1910, be and the same is hereby changed to 81 per cent of the par value of said bonds, and that subdivision 2 of said order of January 6, 1910, be and is hereby amended accordingly.

Further Ordered: That paragraph (*a*) of subdivision 2 of said order of January 6, 1910, be and is hereby amended so as to substitute the words "eighty-one" for the word "ninety" in said subdivision.

[Case No. 1740]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the OLEAN ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue $50,000 common capital stock.

After due hearing and deliberation it is

Ordered: 1. That the Olean Electric Light and Power Company be and it hereby is authorized to increase, in the manner provided by law, its common capital stock from the sum of $35,000 to the sum of $85,000, and to issue the said increase of $50,000, the proceeds of said issue to be used for the following purposes only: 1, to reimburse the company for moneys actually expended from income during the two years last past for additions and betterments to the plant of said company as set out in schedule B annexed to the petition herein, $17,797.67; 2, for the discharge of the obligations of the company incurred in constructing the additions and betterments set forth in said schedule B the sum of $29,562.94; 3, for the extension and improvement of its facilities as further set forth in said schedule B the sum of $2,639.39: total, $50,000.

Ordered: 2. That as a condition hereof said company be and hereby is required to credit to fixed capital the sum of $1735, the balance of the cost of 123 arc lamps replaced by the 4 50-light arc sets mentioned in item 4 of schedule B, not yet credited to capital since such replacement.

Ordered: 3. That as a further condition hereof the said company be and hereby is required to credit fixed capital with the sum of $526.14 on account of replacement involved in purchase of the three-phase generator.

Ordered: 4. That the excess of cost of matters set forth in schedule B over the sum of $50,000 shall be treated and considered in the accounts of the company as replacements, to be handled according to the rules of the uniform system of accounts for electrical corporations. That in the opinion of the Commission the money, property, or labor to be procured or paid for by the issue of such stock is or has been reasonably required for the purposes above specified.

Ordered: 5. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $50,000 capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said capital stock have been expended, in accordance with the terms of this order.

[Case No. 854]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION. SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED.
Commissioners.

In the matter of the Application of HOMER AND CORTLAND GAS LIGHT COMPANY for authority to issue bonds under section 69 of the Public Service Commissions Law.

Whereas, In the matter of the application of Homer and Cortland Gas Light Company for authority to issue bonds under section 69 of the Public Service Commissions Law (Case 854), an order was duly entered by this Commission under date of the 27th day of August, 1909, authorizing said company to execute a mortgage upon its entire property to secure the payment of its mortgage bonds to the amount of $250,000; and

Whereas, With respect to said authorized issue of bonds said order provided as follows: to wit, "*Ordered:* 1. That the Homer and Cortland Gas Light Company be and it is hereby authorized to issue its 5 per cent forty-year gold bonds to the amount of $160,000 par value, said bonds to be sold at not less than 90 per cent of said par value; that the proceeds of said bonds be used for the following purposes and no others: (*a*) $100,000 to discharge or refund existing and outstanding bonds of the said company to that amount, said bonds now outstanding constituting the total bonded indebtedness of said Homer and Cortland Gas Light Company, being fully described as follows: first mortgage bonds of said company dated July 1, 1899, and maturing July 1, 1909, secured by a mortgage upon the property of said company to the Trust Company of America as trustee; (*b*) $39,750 to the discharge of certain promissory notes of said company which are described and set forth in full in schedule B annexed to the petition of the company for this authorization; (*c*) the remainder of said proceeds for additions and betterments to the plant and distributing system of the said corporation to be hereafter designated by this Commission; that in the opinion of the Commission the capital to be secured by the said issue of bonds is reasonably required for the aforesaid purposes of the corporation"; and

Whereas, By petition verified the 22nd day of July, 1910, filed with this Commission, said Homer and Cortland Gas Light Company sets forth that in discharging the lawful obligations of the company as authorized by the aforesaid order several discrepancies and errors, as compared with the original petition of April 12, 1909, were found, and that after a careful search the company has definitely determined that the statement of obligations to the amount of $39,750, as provided to be discharged in said order, was in error, and that the correct amount of said obligations as set forth on the books of the company at the time of the original application was $35,089.20; and

Whereas, By the petition now filed the Homer and Cortland Gas Light Company makes application for an order amending and modifying the original order of this Commission dated August 27, 1909, so as to correct said discrepancy and error; it is

Ordered: That the order of this Commission in the above entitled matter dated the 27th day of August, 1909, be and the same is hereby amended, changed, and modified in the following respect and no other: to wit, that the paragraph in said original order following the recital therein and designated as "*Ordered:* 1." be and the same is hereby stricken out, and that in place thereof the following paragraph be substituted: to wit

"*Ordered:* 1. That the Homer and Cortland Gas Light Company be and it is hereby authorized to issue its 5 per cent forty-year gold bonds to the amount of $160,000 par value, said bonds to be sold at not less than 90 per cent of said par value; that the proceeds of said bonds be used for the following purposes and no others: (*a*) $100,000 to discharge or refund existing and outstanding bonds of the said company to that amount, said bonds now outstanding constituting the total bonded indebtedness of said Homer and Cortland Gas Light Company, being fully described as follows: first mortgage bonds of said company dated July 1, 1899, and maturing July 1, 1909, secured by a mortgage upon the property of said company to the Trust Company of America as trustee; (*b*) $35,089.20 to the discharge of certain promissory notes of said company which are described and set forth in full in schedule B annexed to the supplemental petition of the company for this authorization; (*c*) the remainder of said proceeds for additions and betterments to the plant and distributing system of the said corporation to be held by the applicant and applied as hereafter designated by this Commission; that in the opinion of the Commission the capital to be secured by the said issue of bonds is reasonably required for the aforesaid purposes of the corporation."

[Case No. 1685]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the RIVERHEAD ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to issue $2300 in bonds.

After due deliberation it is

Ordered: 1. That the Riverhead Electric Light Company be and it is hereby authorized to issue its seven-year bonds, bearing interest at the rate of not to exceed 6 per cent per annum, to the amount of $2300. That the said bonds be sold at not less than the par value thereof, and the proceeds

thereof be used solely for the purpose of purchasing and installing the generating machinery and switchboard fully described in the petition of said company dated the 23rd day of July, 1910. That the said machinery being to some extent a replacement of the generators and exciters now in use by said company, which generators and exciters it desires to retain for the present, the said company is required to forthwith furnish a statement of the cost of said displaced machinery, the amount at which it is carried in its capital account, and the estimated amount for which it can be sold, to the end that the Commission may make such further direction regarding the accounting connected therewith as may be proper. That in the opinion of the Commission the money to be procured by the issue of said bonds is reasonably required for the purposes specified, and that except as otherwise permitted in the order such purposes are not in whole or in part reasonably chargeable to operating expenses or income.

Ordered: 2. That said Riverhead Electric Light Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $2300 in bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than their par value; (*b*) at the termination of each and every period of six months after the date of this order the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said bonds have been expended, in accordance with the terms of this order.

[Case No. 1685]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the RIVERHEAD ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to issue $5000 in bonds.

After due deliberation it is

Ordered: 1. That the Riverhead Electric Light Company be and it hereby is authorized to issue its bonds, maturing and payable five years from the date of issue and bearing interest at a rate not exceeding 6 per cent per annum, to an amount not exceeding $5000. Said bonds shall be sold at not less than par except upon further order of the Commission, and the proceeds thereof shall be used for the following purposes only: to wit, the construction and equipping of a distributing line from its station at Riverhead to and in the village or lighting district of West Hampton Beach. That if the proceeds of the bonds sold shall be found to be in excess of the amount needed for such purpose, such excess shall not be used for any other purpose without the further authorization of this Commission. That in the opinion of this Commission the money to be procured by the issue of such bonds is reasonably required for the aforesaid purposes and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 2. That said Riverhead Electric Light Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $5000 in bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*b*)

at the termination of each and every period of six months after the date of this order the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said bonds have been expended, in accordance with the terms of this order, or any excess as herein referred to has been duly reported to this Commission.

[Case No. 1751]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the NEWBURGH LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue $70,500 in first mortgage bonds.

Whereas, In the matter of the application of Newburgh Light, Heat and Power Company under section 69 of the Public Service Commissions Law for consent to issue first mortgage bonds to the amount of $70,500, it appears —

1. That Newburgh Light, Heat and Power Company proposes to construct at the estimated cost of $75,000 a high tension electric transmission line from Forest Glen in the town of Gardiner, Ulster county, where said company is now operating, to connect with the existing distributing system at or near Wallkill in the town of Shawangunk, Ulster county, and from said village of Wallkill through the towns of Skawangunk and Montgomery to the village of Montgomery, in the county of Orange, a distance of 15 miles, and electrical distributing systems in said towns and villages.

2. That applicant proposes to meet the cost of said construction in part with capital secured from the issue of first mortgage bonds remaining unissued under the first mortgage dated February 1, 1901, to the amount of $70,500, and the balance of said costs out of corporate income or by short term obligations.

3. That by reason of the inability of applicant to sell said bonds at present, at their true value, applicant desires the consent of this Commission to issue said bonds at a price to be fixed by the Commission, with authority at present to hypothecate same as security to notes to be given to secure loans, said loans to be applied to the construction work aforesaid.

Ordered: 1. That the approval of this Commission be and is hereby given that Newburgh Light, Heat and Power Company may issue its first mortgage bonds to the amount of $70,500, said bonds being secured by first mortgage dated February 1, 1901, the total amount of said mortgage being $750,000, and the bonds herein authorized to be issued constituting the balance of said total amount remaining unissued.

Ordered: 2. That said bonds to the amount of $70,500 shall be sold at not less than 90 per cent of the par value thereof, provided however that Newburgh Light, Heat and Power Company may at present, if it so elects, use said bonds as collateral to notes given to secure loans, the proceeds of which shall in that event be devoted to the purposes herein specified; provided however that no such pledge or hypothecation shall be made until the agreement therefor is reported to this Commission and approved by it.

Ordered: 3. That the proceeds from the sale of said bonds, or the money secured upon notes to which said bonds may be pledged as collateral, shall be applied to the following purposes, and no other, as the same are more fully set forth in schedules on file in this proceeding and at page 11 of the

minutes of hearing had July 21, 1910, and herein summarized as follows: to wit, to the construction of electric transmission lines from Forest Glen, Ulster county, to the village of Montgomery, Orange county, including cost of rights of way, poles, cross-arms, fittings, 3-phase electric conductors, private telephone wires, etc., at the rate of not to exceed $3000 per mile, not to exceed the sum of $45,000; 2 sub-stations complete, including cost of land, erection of buildings, equipment, including transformers, meter, lightning arresters, regulators, switchboard, etc., approximately 100 kw. capacity, estimated cost of each $5000, not to exceed the sum of $10,000; distribution systems in the villages of Gardiner in the town of Gardiner, and Wallkill in the town of Shawangunk, and in the village of Montgomery, including street lighting systems in each village, meters, services, etc., complete, not to exceed the sum of $13,500, the same to be in addition to any distribution system now in use in the village of Wallkill and to or from that village; cost of engineering service, superintendence, and contingencies not to exceed the sum of $6500.

Ordered: 4. That in the opinion of the Commission the capital to be secured by the issue of said bonds to the amount of $70,500 is reasonably required for the aforesaid purposes of the corporation, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 5. That any remaining balance of moneys allotted for any of the purposes herein stated and specifically set forth in the petition and in said minutes of hearing shall be reported by the applicant to the Commission upon completion of said improvements and additions, and held by the applicant in its treasury subject to further order by the Commission.

Ordered: 6. That said Newburgh Light, Heat and Power Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 90 per cent of their par value; (*b*) at the termination of each and every period of six months after the date of this order the disposition and use made of the proceeds of said mortgage bonds if sold, or of the proceeds of the loans if the bonds are used as collateral as allowed herein, setting forth in reasonable detail the purposes to which said proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds or said loans have been expended, in accordance with the terms of this order.

[Case No. 1510]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the WAYNE COUNTY GAS AND ELECTRIC COMPANY for leave to make a mortgage covering all of its properties, and to issue under section 69 of the Public Service Commissions Law $444,500 of its refunding bonds.

The petition of the Wayne County Gas and Electric Company, a corporation heretofore authorized by the Commission to take over by consolidation the properties of the Palmyra Gas and Electric Company, Newark (N. Y.) Gas Light and Fuel Company, New Light, Heat and Power Company of Newark, N. Y., Lyons Gas Light Company, and Wayne County Electric Company, having been filed February 15, 1910, praying for authority to issue bonds under a mortgage to be submitted for approval by the Commission;

and the form of said proposed mortgage having been duly submitted, after due consideration, it is

Ordered: That the consent of this Commission be and is hereby given to the Wayne County Gas and Electric Company to execute to the Chemung Canal Trust Company of Elmira, N. Y., a mortgage upon its property, franchises, and rights to secure the payment of bonds aggregating in face value $750,000, bearing 5 per cent interest annually, payable semiannually, and maturing July 1, 1950, and that the form of said mortgage as submitted to the Commission and on file herein be and is hereby approved, subject however to all of the requirements of the Public Service Commissions Law and the conditions and restrictions hereinafter imposed as to the issuance and sale or exchange of bonds under said mortgage.

It is further Ordered: That the said Wayne County Gas and Electric Company be and is hereby authorized to issue under said mortgage and for the purposes and in the manner hereinafter specified, and for no other purpose whatsoever, bonds to the amount in par value not exceeding $444,000, the same being in the opinion of the Commission reasonably required for the said purposes as the same are hereinafter set forth, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

It is further Ordered: That the said bonds to the amount of $444,000 shall be issued and sold or exchanged only in the manner and for the purposes as follows: to wit, 1, bonds to the amount in par value of $107,000 to be issued presently and sold for not less than 90 per cent of said par value, and the proceeds thereof devoted solely to the discharge of outstanding obligations of the Wayne County Gas and Electric Company to the amount of $96,509.16, which said obligations devolve upon said Wayne County Gas and Electric Company as the successor by consolidation of the said Palmyra Gas and Electric Company, Newark (N. Y.) Gas Light and Fuel Company, New Light, Heat and Power Company of Newark, N. Y., Lyons Gas Light Company, and Wayne County Electric Company, and a schedule whereof is on file herein. 2, bonds to the amount in par value of $206,000 for the purpose of refunding by exchange at not less than par value for bonds now outstanding of the said constituent companies in said consolidation, namely, Palmyra Gas and Electric Company, Newark (N. Y.) Gas Light and Fuel Company, New Light, Heat and Power Company of Newark, N. Y., Lyons Gas Light Company, and Wayne County Electric Company, the same having been heretofore duly ascertained and stated herein. 3, bonds to the amount in par value of $131,000 to be issued as the same may be required, and sold for not less than 90 per cent of the said par value, and the proceeds thereof devoted solely to paying the cost of improvements of the gas and electric properties of the Wayne County Gas and Electric Company: to wit, $30,300 for improvements to the gas properties according to schedules heretofore submitted to the Commission and approved in cases arising upon application of the said Palmyra Gas and Electric Company, $14,400; the said Newark Gas Light and Fuel Company, $6300; and the said Lyons Gas Light Company, $9600; aggregating the said sum of $30,300; and $88,228.50 for improvements of the said Wayne County Gas and Electric Company, a schedule whereof has been duly filed herein, setting forth the said improvements in detail and the estimated cost thereof, and which said improvements are generally summarized in the opinion of the Commission filed June 22, 1910, as follows: to wit —

	Palmyra	*Clyde*	*Newark*	*Lyons*	*Total*
Miscellaneous	$3,900	$3,200	$3,800	$19,900	$30,800
Luminous arc system	1,126	1,428	.....	4,204	6,758
	$5,026	$4,628	$3,800	$24,104	$37,558
New motors	777	605	.....	1,737	3,119
New meters	328	181	.....	752	1,261
	$6,131	$5,414	$3,800	$26,593	$41,938
Building changes	.....	.....	800	3,000	3,800
Additions to steam plant	.....	.....	.....	12,000	12,000
Total	$6,131	$5,414	$4,600	$41,593	$57,738

To which are added miscellaneous changes as follows:

Installation, freight, etc., on "Miscellaneous" item..	$5,633 00	
Installation, freight, etc., on "Motors" item.....	1,125 00	
Installation, freight, etc., on "Meters" item.....	157 50	
Changing of motor services.....	675 00	
Engineering and supervision	1,500 00	
		$9,090 50
Total		$66,828 50

To which also are added the following items of general construction:

Tie line, Lyons to Newark.....	$9,250 00	
Transmission line, Newark to Palmyra.....	10,150 00	
Moving engines and boilers, Palmyra to Newark.....	2,000 00	
		21,400 00
Grand total		$88,228 50

It is further Ordered: That none of the said bonds hereby authorized shall be pledged or hypothecated by the applicant, the Wayne County Gas and Electric Company, as collateral security for notes or for any other purpose, nor shall any ad interim bonds or certificates of indebtedness based upon the said issue of bonds or any part thereof be issued by said applicant, except upon previous approval by the Commission of said pledges, hypothecation, or said issue of ad interim bonds or certificates of indebtedness.

It is further Ordered: That the said Wayne County Gas and Electric Company be and is hereby required to file with the Commission semiannually after July 11, 1915, and within one month after July 1 and January 1 in each year, a statement of its sinking fund as established under the provisions of said mortgage and of the investment thereof; and the said company shall also file with the Commission a verified copy of each and every statement or report made by it or on its behalf to the trustee under said mortgage in accordance with the provisions of said mortgage, and such verified copy of statement or report shall be so filed with the Commission concurrently with the making of such statement or report to said trustee.

It is further Ordered: That the applicant, Wayne County Gas and Electric Company, shall make a full and detailed report, duly verified, once every three months, showing its action in the issuance of bonds as authorized herein, the return received therefor by exchange for said outstanding bonds or in cash, the disposition of all proceeds in accordance with the requirements hereof, and the balance or balances on hand in each, and how the said cash is held or deposited.

It is further Ordered: That all moneys realized from the sale of bonds as hereby authorized which shall not be devoted by the applicant to the specific purposes stated herein shall be held in cash subject to the further order of the Commission as to the application thereof, and no part of any such balance shall be applied to any other purpose herein specified or to any purpose not herein specified unless and until the same shall be authorized hereafter by the Commission.

[Case No. 1736]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the LIMA-HONEOYE LIGHT COMPANY for authority to issue five thousand dollars ($5000) of its capital stock, par value, under section 69 of the Public Service Commissions Law.

Whereas, The permission of this Commission has by an order entered on the 22nd day of August, 1910 (Case 1735), been given to the Lima-Honeoye Light Company, the petitioner herein, to lease from the Lima-Honeoye Electric Light and Railroad Company all the railroad property of whatsoever nature the electric light plant and the distributing systems appurtenant thereto of said Lima-Honeoye Electric Light and Railroad Company, as more fully set forth and described in the above mentioned order, together with all the rights, privileges, and franchises for the construction, operation, and maintenance of said property; and

Whereas, It appears to the satisfaction of this Commission that the successful operation of the property to be leased as aforesaid requires certain improvements, extensions, and betterments; now therefore, upon the petition filed herein and the evidence presented at a public hearing, and after due deliberation, it is

Ordered: 1. That the consent of this Commission be and the same hereby is given to the Lima-Honeoye Light Company to issue its common capital stock to the aggregate amount of five thousand dollars ($5000), the same to be sold at not less than the par value thereof.

Ordered: 2. That the proceeds to be derived from the sale of said stock shall be used for the following purposes and none others: to wit, the improvement and extension of the plant and distributing system to be leased to the Lima-Honeoye Light Company by the Lima-Honeoye Electric Light and Railroad Company as hereinbefore set forth, said improvements and extensions to be in accordance with the allegations in the petition herein as supplemented by affidavit of Ellis L. Phillipps, annexed to and made a part of said petition, filed with the case and marked Exhibit 2.

Ordered: 3. That in the opinion of this Commission the capital to be derived from the sale of said stock is reasonably required for the aforesaid purposes of the corporation, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 4. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said five thousand dollars ($5000) capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*b*) at the termination of each and every period of six months after the date of this order the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said capital stock have been expended, in accordance with the terms of this order.

[Case No. 1745]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the SNYDER GAS COMPANY under section 69 of the Public Service Commissions Law for authority to issue $5000 common capital stock.

Whereas, The petitioner herein presented its petition dated July 11, 1910. asking for permission to increase its present capital stock and to issue $5000 par value of said increase for purposes set forth in said petition; after due hearing and deliberation

It is Ordered: That permission and approval be given to the Snyder Gas Company to the increase of its capital stock from 100 shares of $50 each to 200 shares of $50 each, being an increase in par value of $5000 in the capital stock of said company, making the total par value of said stock $10,000, as evidenced by a certificate of increase dated June 30, 1910, executed by all the stockholders of said company and attached to the petition herein.

It is further Ordered: That the consent and approval of this Commission, under section 69 of the Public Service Commissions Law, be and it is hereby given to the Snyder Gas Company to issue said 100 shares of additional capital stock par value of $5000, to be sold at par, the proceeds of such sale to be used for the following purposes and no other: to wit, for the expense of drilling, piping, and fitting up two additional gas wells to be sunk on the land of Fisher and Hedstrom, in the town of Amherst, Erie county, N. Y., as per schedule submitted in letter of James W. Murphy dated August 4, 1910, and filed with the papers herein, $3900; for constructing a pipe line from well No. 2 by a pipe along Main street to Eggertsville in said town of Amherst, $700; for meters and meter connections, $200; for the expense of crossing under Main street, $120; for labor in connection with above, $80: total, $5000. That in the opinion of the Commission the money, property, or labor to be procured or paid for by the issue of such stock is or has been reasonably required for the purposes above specified, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

It is further Ordered: That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $5000 capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said capital stock have been expended, in accordance with the terms of this order.

[Case No. 1764]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the WARWICK VALLEY LIGHT AND POWER COMPANY for authority to execute and deliver a mortgage for $25,000, and to issue $25,000 in bonds to be secured by said mortgage.

Whereas, The Warwick Valley Light and Power Company made application to the Commission, under section 69 of the Public Service Commissions Law, for permission to issue $25,000 first mortgage 5 per cent 20-year gold bonds of the denomination of $1000 each, bearing interest from July 1, 1910, payable on the 1st day of January and 1st day of July each year; and

Whereas, Said company now has outstanding $11,000 of mortgage bonds of two issues, one dated April 5, 1908, and due April 1, 1910, for $6000, and one dated January 1, 1900, and due January 1, 1920, for $5000; and

Whereas, Said company has expended upon its plant and equipment during the two years ended December 31, 1909, as set forth in its annual reports, the sum of $15,459.52, and proposes to expend as soon as may be on said plant the further sum of $6027.41: a total of $21,486.93; now therefore it is

Ordered: 1. That the said Warwick Valley Light and Power Company be and it is hereby authorized to issue its bonds maturing and payable twenty years from the 1st day of July, 1910, bearing interest at a rate not exceeding 5 per cent, to an amount not exceeding $25,000; said bonds shall be sold at not less than par, and the proceeds thereof shall be used for the following purposes only: to wit, the refunding of $11,000 bonds now outstanding, the payment of its promissory notes as per schedule attached to the petition amounting to $5029.34, accounts payable as per schedule attached to the petition $2943.25, and for the purchase and installation of new apparatus as set forth in schedule C of said petition, the estimated cost of which is $6027.41: in all, $25,000; that if the proceeds of the bonds sold shall be found to be in excess of the amount needed for the herein set forth purposes, such excess shall not be used for any other purpose without the further authorization of this Commission; that the said apparatus which has been and is to be installed, being to some extent a replacement of apparatus now in use by said company or apparatus which still stands in the Fixed Capital account of said company, the said company is required to furnish forthwith a statement of the cost of the said apparatus displaced during the two years next preceding December 30, 1909, and that to be displaced by the apparatus to be purchased with the proceeds of the bonds herein authorized, and a further statement of the amount at which it is carried in its capital account; that in the opinion of this Commission the money to be procured by the issue of such bonds is reasonably required for the aforesaid purposes, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 2. That said company be authorized to execute to Orange County Trust Company as trustee, a mortgage upon all its property to secure a bond issue of not exceeding $50,000 of its 5 per cent twenty-year gold bonds: the bonds hereinbefore authorized to be secured by said mortgage, but no additional bonds to be issued without the further authorization of this Commission.

Ordered: 3. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $25,000 in mortgage bonds or

any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than their par value; (*b*) at the termination of each and every period of six months from the date of this order the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1829]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of August, 1910.

Present:
Frank W. Stevens, Chairman,
James E. Sague,
John N. Carlisle,
Commissioners.

In the matter of the Application of the Hornell Electric Company for authority to issue 120 shares of stock.

The Hornell Electric Company having on August 20th filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue 120 shares of its common capital stock of the par value of $12,000, now upon the aforesaid petition and after due deliberation it is

Ordered: 1. That the Hornell Electric Company be and it is hereby authorized to issue 120 shares of its common capital stock of the total par value of $12,000, said stock to be sold at not less than par, and the proceeds of such stock to be used for the following purposes and no other without the further authorization of this Commission: to wit, for the purchase and setting of a 223-horsepower horizontal tubular boiler, $2300; for the laying of additional steam pipes as specified and set forth in its petition, $7200; for the payment of indebtedness incurred in laying additional steam pipe in the year 1907, $2500: total $12,000. The said additional steam pipe to be laid is described generally as follows: 104 feet 10-inch pipe from its station to its pipe on Buffalo street; 1079 feet of 6-inch pipe from its pipe on the south side of Main street at Allen street through Adsit Place and West Genesee street to its pipe in Seneca street. That in the opinion of the Commission the money to be procured by the issue of such stock is reasonably required for the aforesaid purposes, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 2. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $12,000 common capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said common capital stock; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said common capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said common capital stock have been expended, in accordance with the terms of this order.

[Case No. 741]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the BINGHAMTON LIGHT, HEAT AND POWER COMPANY for a rehearing on the application under section 69 of the Public Service Commissions Law for authority to execute a general extension and refunding mortgage, and to issue 6 per cent cumulative preferred stock.

After due deliberation it is

Ordered: That the application of the Binghamton Light, Heat and Power Company for a rehearing in Case No. 741 be and hereby is denied, and that the memorandum of Commissioner Stevens be and hereby is adopted as the opinion of the Commission.

[Case No. 853]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the ITHACA GAS LIGHT COMPANY for authorization to issue bonds under section 69 of the Public Service Commissions Law.

On reading and filing the supplemental petition of Ithaca Gas Light Company in this proceeding, showing that for the period of time from July 1, 1909, to July 1, 1910, the petitioner had expended in improvements and betterments to its property the sum of $3,331.49; that such amount exceeds 20 per cent of its net earnings during said period and was expended for improvements and betterments prior to the receipt of the order of the Commission of October 8, 1909; that such amount was not expended in accordance with the direction of said order of October 8, 1909, in that the same was not turned over to the trustee under petitioner's mortgage and by such trustee delivered to the petitioner upon approval of this Commission as required by said order of October 8, 1909; and it appearing to the Commission that the condition imposed in said order of October 8, 1909, was intended to cause restoration of impaired capital of petitioner by taking out of net earnings a percentage of such earnings to be expended upon improvements and betterments, and that such condition has in substance been fulfilled by the expenditure of an amount exceeding 20 per cent of the net earnings from July 1, 1909, to July 1, 1910. Upon consideration of the premises it is

Ordered: That the expenditure by petitioner of $3,331.49 from its net earnings, in accordance with the schedule thereof annexed to the supplemental petition, be and is hereby accepted as compliance for the year ending July 1, 1910, with the requirements of said condition of said order of October 8, 1909.

[Case No. 854]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of HOMER AND CORTLAND GAS LIGHT COMPANY for authorization to issue bonds under section 69 of the Public Service Commissions Law.

Whereas, In orders issued by the Commission on August 27, 1909, and July 25, 1910, it is provided as follows: "(*c*) the remainder of said proceeds for additions and betterments to the plant and distributing system of said corporation to be held by the applicant and applied as hereafter designated by the Commission"; and

Whereas, The remainder of proceeds from the sale of bonds as authorized by said orders was $18,560.78; and

Whereas, The petitioner now submits to the Commission a schedule annexed to its supplemental petition herein showing an estimate of improvements to its plant amounting to $18,436, which said schedule has been examined; it is

Ordered: That the use of the remainder of the proceeds from the sale of bonds authorized in said orders of August 27, 1909, and July 25, 1910, to the amount of $18,436, or so much thereof as may be necessary to apply to the cost of improvements to petitioner's property as set forth in the schedule annexed to the supplemental petition herein, be and the same is hereby approved; and that the petitioner shall within six months hereafter make and file a detailed report of the cost of the improvements embraced in said schedule, and also showing any balance of said remainder of $18,560.78 remaining unexpended.

[Case No. 1510]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of PALMYRA GAS AND ELECTRIC COMPANY, NEWARK (N. Y.) GAS LIGHT AND FUEL COMPANY, THE NEW LIGHT, HEAT AND POWER COMPANY, LYONS GAS LIGHT COMPANY, and WAYNE COUNTY ELECTRIC COMPANY, for approval of the consolidation of said companies into Wayne County Gas and Electric Company; and for leave to the proposed new corporation to execute a mortgage covering the properties of the consolidated companies, and to issue stock and bonds thereunder.

On reading and filing the supplemental petition of Wayne County Gas and Electric Company for approval of the pledging of $107,000 of the bonds

authorized by the order of the Commission dated August 22, 1910, for the discharge of certain specified obligations, togther with certain bonds owned individually by William T. Morris to the amount of $131,000, making a total of $238,000, and which said bonds were all pledged to secure notes of this petitioner amounting in face value to $100,000; and for authority to pledge certain other bonds authorized by said order of August 22, 1910, to the amount of $131,500, the purpose of said pledging or hypothecation being to secure notes to be issued by the said Wayne County Gas and Electric Company, the proceeds of which are to be used in defraying the cost of improvements to petitioner's gas and electric properties amounting to $118,528.50, or so much thereof as may be necessary; and after hearing William T. Morris, president of the said Wayne County Gas and Electric Company, in support of the petition,

Ordered: That the pledging of the said bonds of Wayne County Gas and Electric Company to the amount of $107,000, in connection with $131,000 of bonds owned personally by William T. Morris, president of the said company, to secure notes of Wayne County Gas and Electric Company amounting to $100,000, be and the same is hereby approved.

Further Ordered: That the petitioner, Wayne County Gas and Electric Company, be and is hereby authorized to pledge bonds of Wayne County Gas and Electric Company heretofore authorized by said order of August 22, 1910, in the amount of $131,500, the said bonds to be pledged and used as collateral security for notes of the said company to be issued for not less than 80 per cent of the face value of said bonds, and the amount to be realized in the issuance and sale of said notes to be not less than 80 per cent of the face value of said bonds.

Further Ordered: That the pledging or hypothecation of the said bonds authorized in the order of the Commission of August 22, 1910, is hereby authorized and approved solely for the purposes for which said bonds were authorized by said order of August 22, 1910, and for no other purpose whatsoever, and that the pledging or hypothecation of any bonds authorized by said order of August 22, 1910, for any other purpose than to carry loans represented in the obligations set forth in said order, or to secure moneys for the improvements to the property of the petitioner as set forth in said order, is hereby disapproved and forbidden.

Further Ordered: That nothing in this order shall be construed to modify any of the provisions of said order of August 22, 1910, in respect of the application of the proceeds of the bonds thereby authorized nor to authorize the issuance of notes by the petitioner, Wayne County Gas and Electric Company, for any period of more than twelve months.

Further Ordered: That the petitioner, Wayne County Gas and Electric Company, be and is hereby directed to make full report of its proceedings under this order.

[Case No. 1791]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the SOUTHERN NEW YORK POWER COMPANY of Walton, Delaware county, under section 69 of the Public Service Commissions Law for authority to issue capital stock.

After due hearing and deliberation, it is

Ordered: 1. That under the provisions of section 69 of the Public Service Commissions Law the Southern New York Power Company be and is hereby authorized to issue $24,000 of its capital stock at par, in payment of all the property, assets, and franchises of the former Walton Electric Light Company of Walton, N. Y., now owned by Roy C. Megargel, as set forth in detail in the schedules attached to the petition herein. Said company is also hereby authorized to issue $2100 of its capital stock in payment of all the property, assets, and franchises of the formerly so called Mulkins Electric Light Plant, now owned by C. A. Graves, as set forth in the schedules attached to the petition herein. Said company is also hereby authorized to issue $4600 of its capital stock for cash, at not less than par, for the following uses and purposes and no others: for additions to power house, $600; for damper regulator, $75; 100-hp. engine and piping, $1000; new switchboard, complete, $1200; transformer and panel, $275; new hoods and reflector, $600; wire, $75; meters and transformers, $750; $4575.

Ordered: 2. That under the provisions of section 70 of the Public Service Commissions Law the consent of this Commission is hereby given to the transfer to said Southern New York Power Company of all the franchises formerly owned by the said Walton Electric Light Company and the Mulkins Electric Light Plant.

Ordered: 3. That in the opinion of this Commission the moneys, property, and labor to be procured or paid for by the issue of said stock is reasonably required for the purposes of said corporation, and such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 4. That said Southern New York Power Company shall make verified reports to this Commission as follows: (*a*) upon the issuance as provided by this order of said $24,000 of its capital stock at par in payment of all the property, assets, and franchises of the former Walton Electric Light Company of Walton, N. Y., now owned by Roy C. Megargel, the facts in relation to such transaction; (*b*) upon the issuance as provided by this order of said $2100 of its capital stock at par in payment of all the property, assets, and franchises of the formerly so called Mulkins Electric Light Plant, now owned by C. A. Graves, the facts in relation to such transaction; (*c*) upon the sale as provided in this order of said $4600 of its capital stock at par, or any of said $4600 capital stock, the fact of such sale, the terms and conditions of sale and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*d*) at the termination of each and every period of six months after the date of this order the disposition and use made of the proceeds of said $4600 capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such report shall be made until all of the proceeds of said $4600 capital stock have been expended, in accordance with the terms of this order.

[Cases Nos. 1835, 1836]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE RED HOOK LIGHT AND POWER COMPANY for approval of assignment of franchises and permission to execute a mortgage and issue bonds.

After due hearing and deliberation it is

Ordered: 1. That under the provisions of section 70 of the Public Service Commissions Law this Commission hereby consents to the transfer by John H. Sharpe to The Red Hook Light and Power Company of the following franchises: (*a*) A franchise granted by the Town of Germantown, Columbia county, N. Y., dated June 5, 1907, to Jonathan T. Rider, assigned by said Rider to John H. Sharpe April 3, 1909, and assigned by said Sharpe to The Red Hook Light and Power Company September 9, 1909, being the same franchise and assignment set forth in Schedule "B" attached to the petition herein. (*b*) A franchise granted by the Town of Livingston, Columbia county, N. Y., dated June 3, 1907, to Jonathan T. Rider, assigned by said Rider to John H. Sharpe April 3, 1909, and assigned by said Sharpe to The Red Hook Light and Power Company September 9, 1909, being the same franchise and assignment set forth in Schedule "C" attached to the petition herein. (*c*) A franchise granted by the Town of Clermont, Columbia county, N. Y., dated June 3, 1907, to Jonathan T. Rider, assigned by said Rider to John H. Sharpe April 3, 1909, and assigned by said Sharpe to The Red Hook Light and Power Company September 9, 1909, being the same franchise and assignment set forth in Schedule "D" attached to the petition herein.

Ordered: 2. That under the provisions of section 68 of the Public Service Commissions Law the said The Red Hook Light and Power Company is hereby given the power to exercise all rights and privileges under said franchises hereinbefore mentioned.

Ordered: 3. That pursuant to the provisions of section 69 of the Public Service Commissions Law this Commission hereby consents to the execution by The Red Hook Light and Power Company of a trust mortgage upon all its property, assets, and franchises to secure the payment of $150,000, payable in fifty years, bearing interest at 5 per cent; that the form of said mortgage and bonds be submitted to this Commission for its approval before execution.

Ordered: 4. That pursuant to the provisions of section 69 of the Public Service Commissions Law this Commission hereby authorizes The Red Hook Light and Power Company to issue $10,000 of its said bonds at not less than par in exchange for $10,000 of the present issue of first mortgage 5 per cent gold bonds upon the property of said corporation, said $10,000 being the total issue of mortgage indebtedness now existing against said company.

Ordered: 5. That under the provisions of section 69 of the Public Service Commissions Law this Commission hereby also authorizes the said The Red Hook Light and Power Company to sell $60,000 of said bonds at not less than 80 per cent of their par value, the proceeds to be used for the following purposes and no others: to wit, to pay bills payable amounting to $47,712.72, said bills having been incurred in the construction of new lines and new

equipment and the details of which are particularly itemized and set forth in Schedule "A" attached to the petition herein verified August 15, 1910.

Ordered: 6. That in the opinion of the Commission the money, property, and labor to be paid for by the issue of such bonds has been reasonably required for the purposes specified in said schedule, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 7. That said The Red Hook Light and Power Company shall make verified reports to this Commission as follows: (*a*) upon the issuance of said $10,000 in mortgage bonds hereby authorized to be issued in exchange for $10,000 of the present issue of first mortgage 5 per cent gold bonds upon the property of said corporation, the facts in relation to said exchange; (*b*) upon the sale of said $60,000 in mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom which shall not be less than 80 per cent of their par value; (*c*) when the proceeds of said $60,000 mortgage bonds have been used to pay bills payable as set forth in this order, the facts in relation to said transaction.

[Case No. 1420]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of the SOUTH SHORE GAS COMPANY under section 69 of the Public Service Commissions Law as to issuing common stock, a mortgage, and mortgage bonds.

Whereas, This Commission did by order in the above entitled matter dated April 27, 1910, duly approve of form of mortgage submitted herein by the South Shore Gas Company on the 9th day of April, 1910; and

Whereas, The said South Shore Gas Company has by petition dated September 13, 1910, asked the approval of a mortgage submitted September 14, 1910, and the consent of this Commission to the substitution thereof in the place of the mortgage heretofore approved, as above stated; now therefore, after due deliberation,

Ordered: That form of said mortgage submitted herein on the 14th day of September, 1910, to be executed by the South Shore Gas Company to the New York Trust Company as trustee, be and same is hereby approved, and that the consent of this Commission is hereby given to the substitution of said form of mortgage for that approved by order dated April 27, 1910.

[Case No. 1661]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the HUNTINGTON LIGHT AND POWER COMPANY for authority to execute a mortgage and issue bonds thereunder, and also to issue additional capital stock.

From examination of the record as made in this case it appears: 1. That the prayer of the petitioner to issue $150,000 of bonds under a proposed mortgage and $23.700 of additional capital stock should be treated as amended under the affidavit of Earl W. Chapple, the general manager of the petitioner, filed herein July 22, 1910, which states that an issue of $140,000 bonds under the proposed mortgage and $2000 additional capital stock will be sufficient for the petitioner's present purposes, which are to discharge note obligations of petitioner amounting to $86.000; purchase bonds of the Huntington Gas Company to the amount in face value of $60,000 at not to exceed 70 per cent of such face value, such purchase cost amounting to $42,000; provide for extensions and purchase of machinery and material according to a schedule set forth in said affidavit, $14,000; the said three purposes calling for an expenditure of $142.000 as above specified. 2. The proposed mortgage is to the Hudson Trust Company of New York city as trustee, bears date of August 1, 1909, matures in 25 years, or August 1, 1924, secures the payment of bonds to the amount of $150,000 and 6 per cent interest per annum thereon payable semiannually. The mortgage covers the petitioner's property and 600 shares of the stock of the Huntington Gas Company of which petitioner is owner, and which stock represents all of the capital stock of the Huntington Gas Company. The total amount secured by the proposed mortgage should be increased from $150.000 to $250,000, thus avoiding practically a closed mortgage immediately after issuance of the bonds thereunder. 3. The petitioner's notes outstanding to the amount of $86.000, as set forth in the petition, were issued to secure moneys which have all been used for extensions and improvements of petitioner's plant, and no part thereof has been used for replacements or maintenance of the petitioner's service. 4. The petitioner's proposed present expenditure of $14.000 for improvements, extensions, machinery, and supplies relates substantially to new line construction and service connections and the purchase of meters and transformers for use in such extension and improvements. 5. The purchase of the outstanding bonds of the Huntington Gas Company, the capital stock of which company is all owned by the petitioner, which bonds aggregate in face value $60.000 and can be obtained by petitioner at a cost not to exceed 70 per cent of such face value, to wit, $42,000, should be approved, provided that before authorization by the Commission of an issue of bonds for the purpose of such purchase the petitioner shall as a condition precedent to such authorization file with the Commission a stipulation to the effect that upon the acquisition of the said bonds of the Huntington Gas Company the same shall under proper procedure be surrendered for cancellation and the mortgage covering said bonds shall be satisfied and discharged of record. It is shown in this case that the value of the Huntington Gas Company's plant, exclusive of franchise value, is less than the amount of its capital stock, $60,000, all of which is owned by the petitioner and is now carried in its books at a valuation of $1000. The cancellation of the bonds so acquired will increase

the present valuation of the stock by at least the amount paid for the bonds. Now upon due consideration it is

Ordered: 1. That the consent of this Commission be and is hereby given to the execution of a mortgage by petitioner, Huntington Light and Power Company, to the Hudson Trust Company of New York city, in accordance with the form and terms of the mortgage submitted to the Commission and on file herein, said mortgage maturing 25 years from the 1st day of August, 1909, and providing for the issuance of bonds bearing 6 per cent interest per annum payable semiannually; provided, and this consent is upon the condition, that the bonds to be secured by said mortgage shall aggregate $250,000, instead of $150,000 as set forth in the petition in this proceeding.

Ordered: 2. That the petitioner, Huntington Light and Power Company, be and is hereby authorized to issue and sell under said mortgage, bonds to the amount of $98,000 face value, the same to be sold for not less than such face value and accrued interest; and that said petitioner be and is hereby authorized to issue and sell for not less than the par value thereof its additional capital stock in the amount of $2000; the issue and sale of the said bonds and stock being in the opinion of the Commission reasonably required for proper purposes of the petitioning corporation as hereinafter stated and prescribed, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 3. That petitioner, Huntington Light and Power Company, be and is hereby directed and required to apply the proceeds from the sale of said bonds and stock to the following purposes and no other: to wit, (*a*) pay off and discharge its outstanding obligations to the amount of $86,000, as set forth in the petition herein; (*b*) use $14,000, the remainder of the moneys derived from the sale of said bonds and stock, for extensions and improvements to its plant and distributing system, as scheduled and set forth in the affidavit of Earl W. Chapple, general manager of the petitioner, sworn to July 21, 1910, and filed herein July 22, 1910.

Ordered: 4. That a further issue of bonds to the amount of $42,000 under said mortgage, to purchase the outstanding bonds of the Huntington Gas Company at a price not to exceed 70 per cent of the face value thereof, shall be approved by the issuance of a supplemental order herein upon the filing by petitioner, Huntington Light and Power Company, of an amendment to its petition or its separate consent in writing to the effect that the said bonds of the Huntington Gas Company, aggregating $60,000 face value, by appropriate procedure shall be canceled upon the acquisition thereof by the petitioner, and that the mortgage of the Huntington Gas Company shall be satisfied and discharged of record.

Ordered: 5. That after the sale of said bonds and stock any balance remaining in the hands of the petitioner, Huntington Light and Power Company, not covered by the amounts assigned to the purposes hereinabove specified, shall be held by the petitioner subject to the further order of the Commission.

Ordered: 6. That said Huntington Light and Power Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $98,000 in mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than their face value and accrued interest; (*b*) upon the sale of said $2000 in capital stock hereby authorized to be issued or any of it, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*c*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said mortgage bonds and capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds and capital stock have been expended, in accordance with the terms of this order.

[Case No. 1842]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of THE CATARACT POWER AND CONDUIT COMPANY under section 69 of the Public Service Commissions Law for authority to issue $178,000 in 5 per cent bonds to be secured by a first mortgage now issued.

After due hearing and deliberation it is

Ordered: 1. That The Cataract Power and Conduit Company be and it is hereby authorized to issue 175 of its first mortgage 5 per cent gold bonds payable January 1, 1927, each bond of the par value of $1000, total par value of issue hereby authorized $175,000, upon the security of its first mortgage executed to the Metropolitan Trust Company of New York on or about January 1, 1897, said bonds to be sold for not less than 97 per cent of the par value, and the proceeds of such issue and sale to be used for the following purposes and no others: 1, for the purchase of real property, $15,000; 2, for overhead construction, $17,235; 3, for underground cable, $48,548; 4, for conduit, $6277; 5, for transformers, $3000; 6, for the purchase of meters, $5550; 7, for station equipment terminal house A, $16,450; 8, for station equipment terminal house B, $33,705; 9, for station equipment sub-station No. 1, $14,346; 10, for station equipment sub-station No. 2, $900; 11, for sub-station equipment sub-station No. 4, $5630; 12, for sub-station equipment sub-station No. 5, $944; 13, for protective power, $2497: total, $170,038. The purposes as above set forth being fully and particularly described in Schedule A annexed to the petition for this authorization in paragraphs correspondingly numbered.

Ordered: 2 No portion of the proceeds of said bonds authorized for one purpose in the foregoing schedule shall be used for any other purpose, whether it be a purpose enumerated in said schedule or otherwise, without the further authorization of this Commission.

Ordered: 3. None of the said bonds shall be used as collateral or pledged or hypothecated in any way without the further authorization of the Commission.

Ordered: 4. That in the opinion of the Commission the money, property, and labor to be procured or paid for by the issue of such bonds will be reasonably required for the aforesaid purposes, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 5. That said The Cataract Power and Conduit Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $175,000 first mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 97 per cent of their par value; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 373]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Petition of the Williamsville Electric Light and Power Company under section 69 of the Public Service Commissions Law for authority to issue $35,000 common capital stock.

Whereas, This Commission did by order dated August 12, 1908, authorize the Williamsville Electric Light and Power Company to issue $25,000 common capital stock to be used for the acquirement of power house and water power equipment, and the purchase of real estate and water rights; and

Whereas, A letter sent by Oscar A. Simon, dated Buffalo, N. Y., September 19, 1910, was received by this Commission September 20, 1910, and which is as follows: "Public Service Commission. Albany, N. Y. Gentlemen: In reply to your letter dated Sept. 12th, addressed to the Williamsville Light & Power Co., file case 373. I wish to say as the President of that Company, that the franchise held by that company in the village of Williamsville, expired several months ago, through the neglect of the company to install a plant, and the same company has not sold or received money for stock, and is no longer in existence. Yours truly, (Signed) Oscar A. Simon." And

Whereas, Oscar A. Simon has by a statement subscribed and sworn to on the 8th day of October, 1910, advised this Commission that to the best of his knowledge and belief no stock has been sold or money received for stock, pursuant to order of this Commission dated August 12, 1908, with the exception of one qualifying share to each director, which have been canceled; it is

Ordered: That the order of this Commission, dated August 12, 1908, in the above entitled matter, authorizing the issue of $25,000 common capital stock, be and the same is hereby abrogated.

[Case No. 937]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of the Westchester Lighting Company for a modification of the order of the Public Service Commission, Second District, dated June 22, 1909, authorizing the Westchester Lighting Company to issue its collateral trust bonds in the par value of $580,000.

Whereas, This Commission did by order entered on the 22d day of June, 1909, consent to the issue by the Westchester Lighting Company of collateral

trust bonds in the par value of $580,000, to mature in ten years from their date and to bear interest at the rate of not to exceed 5 per cent per annum, on the condition that said collateral trust bonds should not be sold for less than their par value, and that said bonds or proceeds arising from the sale thereof should be used for certain specific purposes set forth in said order, and none other; and

Whereas, The said Westchester Lighting Company has made application to this Commission for a modification of the order hereinabove described; now therefore, after hearing and due deliberation, it is

Ordered: That the said order of this Commission dated the 22d day of June, 1909, be and it hereby is amended by substituting for paragraph 3 of page 2 of said order, the following: "*Ordered,* That the consent of this Commission be and it hereby is given to the issue by said Westchester Lighting Company of collateral trust bonds or of collateral trust notes, the said issue of said bonds or notes to be at the option of the applicant and to be in the par value of $580,000, to mature in ten years from their date and to bear interest at the rate of not to exceed 5 per cent per annum, on the condition however that said collateral trust bonds or notes, and each of them, shall not be sold for less than the par value thereof, and that said bonds or notes or the proceeds arising from the sale thereof shall be used for the following purposes and none other: to wit."; and that the said order of June 22nd shall be amended throughout the remaining provisions thereof by inserting the words "or notes" in each and every instance in connection with the words "collateral trust bonds".

[Case No. 1539]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION. SECOND DISTRICT.

At a session of the Public Service Commission. Second District. held at the Capitol, Albany, on the 19th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the MIDDLEPORT GAS AND ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to issue common capital stock, a mortgage, and mortgage bonds and notes.

Whereas, The Middleport Gas and Electric Light Company presented to this Commission its petition dated March 1, 1910, showing that it had increased its capital stock from $30.000 to $60,000, and attaching to said petition the consent to the increase of the holders of all the capital stock of said corporation; and

Whereas, Said petition further shows that there is outstanding at the present time $30.000 in bonds of said corporation, upon which interest has not been paid since the 1st day of July, 1907; and said petition asks that permission be given to said corporation to make a first mortgage upon all its property, real and personal, in the sum of $15.000, and to issue $15,000 of bonds thereunder for the purposes in said petition stated; and further asks that the $30,000 increase in capital stock be used to retire the $30.000 of bonds hereinbefore mentioned, and to convert the same into stock; and

Whereas, The petitioner did thereafter, and on the 26th day of March, 1910, file with this Commission its amended petition dated March 15, 1910, increasing the amount for which it asked for bonds to the sum of $17,500,

with a like increase in the total amount of the mortgage securing the same; and hearing thereon having been had; and

Whereas, The petitioner herein has since the date of the last hearing herein, and on the 19th day of October, 1910, filed with this Commission its stipulation and agreement that it will call in, cancel, and retire the total issue of $30,000 of bonds now outstanding and hereinbefore referred to, which said bonds are shown to be at the present time entirely held by the stockholders of the petitioner, and to cancel all unpaid interest charges thereon, and to cause to have discharged of record the trust deed made by said company to the North American Trust Company dated July 1, 1901, securing the said issue of $30,000 in bonds; and which stipulation further states that the petitioner withdraws that part of its two petitions hereinbefore named which asks for an issuance of stock for the cancellation of said bonds; it is

Ordered: 1. That pursuant to section 69 of the Public Service Commissions Law permission and authority is hereby given to the Middleport Gas and Electric Light Company to make and deliver to the Fidelity Trust Company of Buffalo, or such other trustee as may be named, its mortgage in the sum of $17,500, to be a first mortgage upon all its property and franchises, and to be in the form submitted with the amended petition herein, and marked Exhibit "A" of said petition, which said form is hereby approved; and which said mortgage secures a total issue of thirty bonds of the denomination of $500 each, and twenty-five bonds of the denomination of $100 each, which said bonds bear date the 1st day of April, 1910, payable ten years from date and bearing interest at the rate of 5 per cent per annum, payable annually on the 1st day of April in each year.

Ordered: 2. That permission and authority be and hereby is given to the Middleport Gas and Electric Light Company to issue at the present time the sum of $16,500 par value of said bonds, or so much thereof as may be necessary, which said bonds shall be sold at par, for the purposes hereinafter named and none other: 1, for payment to the Westinghouse Electric and Manufacturing Company for lightning arresters, disconnecting switches, circuit breakers, three transformers, metallic frame arc lamp equipment, switchboard and mountings, the sum of $7700; in accordance with a certain contract dated November 4, 1909, made between the Middleport Gas and Electric Light Company and the Westinghouse Electric and Manufacturing Company, on file with the papers herein and marked "Applicant's Exhibit No. 4"; 2, for the purpose of making changes and improvements in bettering the service of the Middleport Gas and Electric Light Company, and for additional meters and transformers, in accordance with a certain other contract dated March 12, 1910, made by the petitioner herein with the Westinghouse Electric and Manufacturing Company and produced on the hearing herein, $2721; 3, for freight, labor, and installation of the aforementioned transformers and machinery, $1,500; 4, for the erection of a power house, $1,383; 5, for the expense of changing street light and extensions, $1,500; 6, for the expense of constructing a tower for connection with a 60,000-volt line, $600; 7, for the estimated expense for installation for connection with the 60,000-volt line, $75; 8, for the estimated expenses for new transformers and meters to be installed as they shall from time to time be needed as new customers are taken on, $1,000.

Ordered: 3. That any overplus in the proceeds from the sale of said bonds be held in the treasury and not applied to any purpose without further order of this Commission.

Ordered: 4. That in case any portion of the items of expense hereinbefore named shall have been heretofore paid out by the petitioner and shall be now represented by bills payable of the petitioner now outstanding and unpaid, that said bills payable shall be paid off and canceled from the proceeds of the bonds hereinbefore authorized; and that a list of said bills payable so paid out with a statement of the purposes for which the proceeds of said bills payable were used shall be furnished by the petitioner in the reports hereinafter called for.

Ordered: 5. That in the opinion of the Commission the money, property, or labor to be procured or paid for by the issue of such bonds is or has been reasonably required for the purposes specified in the order, and that except as otherwise permitted in this order such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 6. That no issue of bonds authorized by this order shall be made or deemed valid until the $30,000 of bonds now outstanding shall have been canceled and discharged, and the trust deed dated July 1, 1901, securing said issue of bonds now outstanding, be canceled of record in the office where the same is now filed.

Ordered: 7. That said Middleport Gas and Electric Light Company shall, when it has called in, canceled, and retired the said total issue of $30,000 of bonds now outstanding, and has canceled all unpaid interest charges thereon, and has caused to be discharged of record the said trust deed made by said company to the North American Trust Company dated July 1, 1901, file with this Commission proof by affidavit of said action; and that said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $16,500 bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than their par value; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order; or that if the fact warrants an overplus in the proceeds from the sale of said bonds, stating the amount, is held in the treasury of the company, in accordance with the terms of this order; and which reports shall, if the fact warrants, contain the information as to bills payable called for by this order.

[Case No. 1661]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the HUNTINGTON LIGHT AND POWER COMPANY for authority to execute a mortgage and issue bonds thereunder, and also to issue additional capital stock.

On reading the supplemental application in the above entitled matter filed on behalf of the applicant, Huntington Light and Power Company, October 19, 1910, and after due consideration, it is

Ordered: That the order entered in this proceeding on the 6th day of October, 1910, be and the same is hereby amended so as to read as follows:

1. That the prayer of the petitioner to issue one hundred and fifty thousand dollars of bonds under a proposed mortgage, and twenty-three thousand and seven hundred dollars of additional capital stock, should be treated as amended under the affidavit of Earl W. Chapple, the general manager of the petitioner, filed herein July 22, 1910, which states that an issue of one hundred and forty thousand dollars bonds under the proposed mortgage,

and two thousand dollars additional capital stock, will be sufficient for the petitioner's present purposes, which are to discharge note obligations of petitioner amounting to eighty-six thousand dollars; purchase bonds of the Huntington Gas Company to the amount in face value of sixty thousand dollars at not to exceed 70 per cent of such face value, such purchase cost amounting to forty-two thousand dollars; provide for extensions and purchase of machinery and material according to a schedule set forth in said affidavit, fourteen thousand dollars; the said three purposes calling for an expenditure of one hundred and forty-two thousand dollars, as above specified.

2. The proposed mortgage is to Hudson Trust Company of Hoboken, New Jersey, as trustee, bears date of August 1st, one thousand nine hundred and nine, matures in twenty-five years, or August 1st, one thousand nine hundred and thirty-four, secures the payment of bonds to the amount of one hundred and fifty thousand dollars, and 6 per cent interest per annum thereon payable semiannually, with the option to the company to anticipate and pay off the whole or any part thereof not less than three years from the date thereof, on any interest day, by paying at the rate of one hundred two and one-half per centum therefor, in addition to interest to date of retirement. The mortgage covers the petitioner's property and six hundred shares of the stock of the Huntington Gas Company of which petitioner is owner, and which stock represents all of the capital stock of the Huntington Gas Company. The total amount secured by the proposed mortgage should be increased from one hundred and fifty thousand dollars to two hundred and fifty thousand dollars, thus avoiding practically a closed mortgage immediately after issuance of the bonds thereunder.

3. The petitioner's notes outstanding to the amount of eighty-six thousand dollars, as set forth in the petition, were issued to secure moneys which have all been used for extensions and improvements of petitioner's plant, and no part thereof has been used for replacements or maintenance of the petitioner's service.

4. The petitioner's proposed present expenditure of fourteen thousand dollars for improvements, extensions, machinery, and supplies relates substantially to new line construction and service connections, and the purchase of meters and transformers for use in such extension and improvements.

5. The purchase of the outstanding bonds of the Huntington Gas Company, the capital stock of which company is all owned by the petitioner, which bonds aggregate in face value sixty thousand dollars and can be obtained by petitioner at a cost not to exceed 70 per cent of such face value, to wit, forty-two thousand dollars, should be approved; provided that before authorization by the Commission of an issue of bonds for the purpose of such purchase the petitioner shall as a condition precedent to such authorization file with the Commission a stipulation to the effect that upon the acquisition of the said bonds of the Huntington Gas Company the same shall under proper procedure be surrendered for cancellation and the mortgage covering said bonds shall be satisfied and discharged of record. It is shown in this case that the value of the Huntington Gas Company's plant, exclusive of franchise value, is less than the amount of its capital stock, sixty thousand dollars, all of which is owned by the petitioner and is now carried in its books at a valuation of one thousand dollars. The cancellation of the bonds so acquired will increase the present valuation of the stock by at least the amount paid for the bonds.

Now, upon due consideration, it is

Ordered: 1. That the consent of this Commission be and is hereby given to the execution of a mortgage by petitioner, Huntington Light and Power Company, to Hudson Trust Company of Hoboken, New Jersey, in accordance with the form and terms of the mortgage submitted to the Commission and on file herein, said mortgage maturing twenty-five years from the 1st day of August, one thousand nine hundred and nine, with the option to the mortgagor to anticipate and pay off the whole or any part thereof not less than three years from the date thereof, on any interest day, by paying at the rate of one hundred two and one-half per centum therefor in addition to interest to date of retirement, and providing for the issuance of bonds

bearing 6 per cent interest per annum, payable semiannually; provided, and this consent is upon the condition that the bonds to be secured by said mortgage shall aggregate two hundred and fifty thousand dollars instead of one hundred and fifty thousand dollars, as set forth in the petition in this proceeding.

Ordered: 2. That the petitioner, Huntington Light and Power Company, be and is hereby authorized to issue and sell under said mortgage bonds to the amount of ninety-eight thousand dollars face value, the same to be sold for not less than such face value and accrued interest; and that said petitioner be and is hereby authorized to issue and sell for not less than the par value thereof its additional capital stock in the amount of two thousand dollars; the issue and sale of the said bonds and stock being in the opinion of the Commission reasonably required for proper purposes of the petitioning corporation as hereinafter stated and prescribed, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 3. That petitioner, Huntington Light and Power Company, be and is hereby directed and required to apply the proceeds from the sale of said bonds and stock to the following purposes and no other: to wit, (*a*) pay off and discharge its outstanding obligations to the amount of eighty-six thousand dollars as set forth in the petition herein; (*b*) use fourteen thousand dollars, the remainder of the moneys derived from the sale of said bonds and stock, for extensions and improvements to its plant and distributing system, as scheduled and set forth in the affidavit of Earl W. Chapple, general manager of the petitioner, sworn to July 21, 1910, and filed herein July 22, 1910.

Ordered: 4. That a further issue of bonds to the amount of forty-two thousand dollars under said mortgage, to purchase the outstanding bonds of the Huntington Gas Company at a price not to exceed 70 per cent of the face value thereof, shall be approved by the issuance of a supplemental order herein upon the filing by petitioner, Huntington Light and Power Company, of an amendment to its petition or its separate consent in writing to the effect that the said bonds of the Huntington Gas Company, aggregating sixty thousand dollars face value, by appropriate procedure shall be canceled upon the acquisition thereof by the petitioner, and that the mortgage of the Huntington Gas Company shall be satisfied and discharged of record.

Ordered: 5. That after the sale of said bonds and stock any balance remaining in the hands of the petitioner, Huntington Light and Power Company, not covered by the amounts assigned to the purpose hereinabove specified, shall be held by the petitioner subject to the further order of the Commission.

Ordered: 6. That said Huntington Light and Power Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said ninety-eight thousand dollars in mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than their face value and accrued interest; (*b*) upon the sale of said two thousand dollars in capital stock hereby authorized to be issued or any of it, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*c*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said mortgage bonds and capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds and capital stock have been expended, in accordance with the terms of this order.

[Case No. 727]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capital, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of DWAAS ELECTRIC COMPANY under sections 68 and 69 of the Public Service Commissions Law as to construction and issuing capital stock.

Whereas, In the above entitled matter this Commission, by order entered on the 2nd day of April, 1909, authorizing the Dwaas Electric Company to issue its capital stock to the amount of $20.000 par value, and did by the terms of said order specifically set forth the purposes for which the proceeds derived from the sale of said capital stock should be used; and

Whereas, The said company violated the terms of the order above mentioned in that it used approximately $3000 derived from the sale of said stock for an unauthorized purpose, namely, the purchase of a franchise, which transaction is set forth in a report made pursuant to the terms and conditions of said order on the 15th day of June, 1910; and an order to show cause having been entered by reason of said violation, and upon the return of which it appeared that stock of said Dwaas Electric Company had been issued to Harold J. Werner in payment for certain rights and privileges which said Harold J. Werner had received without compensation; and it now appearing by an affidavit made on the 22d day of October, 1910, by Edward E. Sabourin, secretary of the Dwaas Electric Company, and received by this Commission October 24, 1910, that said $3000 par value of capital stock of the Dwaas Electric Company heretofore transferred to Harold J. Werner and the Werner Extract Company has been returned to the said Dwaas Electric Company and canceled in accordance with this Commission's recommendation and direction contained in a letter to Mr. Edward Sabourin dated September 29, 1910; now therefore it is

Ordered: That the case be and hereby is closed upon the records of this Commission.

[Case No. 1908]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of THE RIDGE ROAD GAS AND OIL COMPANY for permission to issue capital stock pursuant to section 69 of the Public Service Commissions Law.

Whereas, Petition and the testimony produced at a hearing held in the city of Buffalo, N. Y., on the 14th day of October, 1910, in the above entitled

matter show that the petitioner, The Ridge Road Gas and Oil Company, did on the 20th day of April, 1910, file its articles of incorporation in the office of the Secretary of State, a copy of which is annexed to and made a part of the petition herein, and did set forth therein as the purposes for which the said company was incorporated, the drilling of gas and oil wells and the production of natural gas and oil and the marketing of the same; and

Whereas, It further appears that at the time of said incorporation it was impossible to determine whether the product of said proposed wells would be gas or oil and therefore impossible to determine whether or not said corporation would be a "gas corporation" within the contemplation of the Public Service Commissions Law; and

Whereas, It appeared further at the hearing above mentioned that the petitioner herein issued 393 shares of a total authorization of 400 shares of capital stock, and of that amount sold 391 of said shares for cash, at the par value of $25 per share, and gave 2 shares thereof for the acquirement of a certain lease; and that the said petitioner did issue and sell said stock without the consent and authorization of this Commission by reason of facts hereinbefore set forth; and

Whereas, The testimony given at the said hearing above mentioned shows that the product of wells subsequently drilled by the petitioner, in accordance with the aforesaid purpose of its incorporation, produced gas, which the petitioner has contracted to sell and deliver to a corporation known as the United Natural Gas Company, a distributing company doing business in the village and town of Hamburg, Erie county, N. Y.; now therefore, after due deliberation, it is

Ordered: That the said The Ridge Road Gas and Oil Company be and it hereby is authorized to issue said $10,000 of its common capital stock, being the total amount stated in its said certificate of incorporation, and that this authorization therefor be treated as made of the date of April 20, 1910. And

Whereas, It further appears that the stockholders have voted to increase the capital stock of the petitioner to $25,000, and that the successful operation of the business of drilling gas wells in the town of Hamburg, Erie county, N. Y., and of selling and distributing the product thereof, requires an additional amount of capital,

It is further ordered: That the said The Ridge Road Gas and Oil Company be and it hereby is authorized to issue $15,000 additional common capital stock of the par value of $25 per share, to be sold for cash and at not less than the said par value thereof, and that the proceeds derived from the sale of the original $10,000 of capital stock, together with proceeds derived from the sale of said $15,000 additional capital stock, be used for the following purposes and no other: (*a*) for the drilling, construction, and proper equipment of gas wells; (*b*) the construction of gas mains, pipes, and conduits, together with all necessary appurtenances thereto, from said wells to the distributing system of the United Natural Gas Company, in accordance with the estimate of expense therefor as given by Jos. A. Gallets at the hearing herein held on the 14th day of October as above set forth.

It is further Ordered: That in the opinion of this Commission the capital to be derived from the sale of said stock is reasonably required for the aforesaid purposes of the corporation, and that none of said capital is reasonably chargeable to operating expense or to income.

It is further Ordered: That none of the capital stock hereby authorized shall be hypothecated or disposed of in any manner other than as hereinbefore provided without the further authorization of this Commission.

It is further Ordered: That said The Ridge Road Gas and Oil Company shall make verified reports to this Commission as follows: (*a*) within 30 days from the date hereof a report showing the sale of the original $10,000 of capital stock of said company, the fact of such sale, the terms and conditions thereof, and in reasonable detail the manner of expenditure of the proceeds derived therefrom; (*b*) a report showing the sale of the additional

$15,000 of common capital stock hereby authorized, the fact of such sale, and the terms and conditions thereof; (*c*) at the termination of each and every period of six months from this date a report showing in reasonable detail the manner of expenditure of the proceeds derived from the sale of said additional amount of $15,000 common capital stock.

[Case No. 1916]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the application of the ISLIP ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to issue $30,000 of common capital stock and $20,000 of bonds.

Whereas, The Islip Electric Light Company has presented its petition and supplemental petition to this Commission, showing that it has increased its capital stock from four hundred shares of the par value of fifty dollars each to six hundred shares of the par value of fifty dollars each, and asking that it be allowed authority to issue thirty thousand dollars ($30,000) par value of said capital stock for the purposes therein named; and further asking permission and approval of this Commission to execute and deliver a first mortgage upon all its property, real and personal, in the sum of twenty thousand dollars ($20,000), and to issue for purposes in the petition named twenty thousand dollars ($20,000) par value of said bonds, to be of the denomination of five hundred dollars ($500) each, to bear interest at the rate of 6 per cent payable semiannually, and to be payable ten years from date of same; and a hearing having been had and due consideration given,

Ordered: 1. That the Islip Electric Light Company, the petitioner herein, be and hereby is given authority to issue 600 shares of its common capital stock of the par value of $50 each, making in all $30,000, for purposes hereinafter named.

Ordered: 2. That permission and authority be and hereby is given to the Islip Electric Light Company to make, execute, and deliver to the First National Bank of Islip, or such other trustee as may be named, its first mortgage in the sum of $20,000 securing an issue of forty bonds of the par value of $500 each, payable ten years from date and bearing interest at the rate of 6 per cent per annum payable semiannually; that said bonds shall be sold at not less than par; that the proposed form of mortgage submitted by the petitioner herein and filed with the papers and marked "Applicant's Exhibit No. 2" be and hereby is approved.

Ordered: 3. That permission and authority be and hereby is given to the Islip Electric Light Company to issue said stock of the par value of $30,000, and said bonds hereinbefore named of the par value of $20,000; said bonds and stock shall be sold at not less than par; and the proceeds thereof shall be devoted to the following purposes shown in a schedule submitted on the hearing herein held on the 1st day of November, 1910, and marked "Applicant's Exhibit No. 1," and no other: to wit, land for power plant at Islip, N. Y., bounded on the north by L. I. R. R. Co.; on the east by Islip Coal & Feed Co.; on the south by lands of John Hughes, —— Madison and Adam Hill; on the west by a road separating it from land of Whitman Estate, containing two and 7/10 acres, $3500; building 50 x 32 feet for properly housing plant, $4300; 1 Westinghouse gas producer, 100 hp., $1530; 1 Westinghouse 3-cylinder gas producer engine, 100 hp., $4598; 1 Westinghouse generator,

50 K. V. A. (direct connection), $960; 1 Westinghouse 2-cylinder gas engine 60 hp. (belted), $3300; 1 Westinghouse generator, 30 K. V. A. (belted), $550; 1 Westinghouse exciter for 50 K. V. A. generator, $199; 1 Westinghouse exciter for 30 K. V. A. generator, $100; cost of installing piping, belting, etc., $1624; 1 Westinghouse switchboard (2 generator panels and 1 feeder panel), $680; installing and connecting, $200; underground conduit system, 6500 feet at 85 cents per lineal foot, $5525; 15 concrete manholes at $50 each, $750; overhead system, consisting of about 400 poles, $4000; wiring and equipment, $5434; motors, transformers, and house connections for 150 customers at $50, $7500; additional poles, 6 miles, $3080; 100 additional service connections, $4945; changing 3000 feet from overhead to underground, $2000; interest on bonds, $20,000, for 4 months, 6 per cent, $400; engineer, $450; attorney's fees, $500: $54,125.

Ordered: 4. That of the purposes hereinbefore named the item "Additional poles, six miles, $3080," shall be devoted only to the building of an extension line, if the same shall be determined upon, either to Brentwood, Central Islip, or Great River, or to all of these points; and that of the item "100 additional service connections, $4945," a proportionate amount shall be used only for service connections on the additional pole lines extended to Brentwood, Central Islip, and Great River, as hereinbefore set forth.

Ordered: 5. That in the opinion of the Commission the money, property, or labor to be procured or paid for by the issue of such stock and bonds is or has been reasonably required for the purposes specified in this order, and that except as otherwise permitted in this order such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 6. That said Islip Electric Light Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than their par value; (*b*) upon the sale of said capital stock hereby authorized to be issued or any of it, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than its par value; (*c*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said mortgage bonds and said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds and said capital stock have been expended, in accordance with the terms of this order.

[Case No. 1693]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of November, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the ITHACA-AUBURN POWER COMPANY under section 69 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: That the application of Ithaca-Auburn Power Company under section 69 of the Public Service Commissions Law be and the same is hereby denied.

[Case No. 1818]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the DUNKIRK POWER AND HEATING COMPANY and DUNKIRK DISTRIBUTION COMPANY to consolidate into one corporation, pursuant to subdivision 3 of section 61 of the Transportation Corporations Law.

The petition in the above entitled matter having been filed with this Commission on the 12th day of August, 1910, and on the 20th day of August, 1910, this Commission having made an order directing that a public hearing thereon be had in Buffalo, New York, on the 26th day of August, 1910, and that notice of such hearing be given; and said public hearing having been held at the office of the Commission, No. 1216 Chamber of Commerce Building, in the city of Buffalo, New York, on Friday, August 26, 1910, and proof by affidavit having been at that time filed, establishing publication of the said notice of the public hearing in the Dunkirk Evening Observer on August 23, 1910, and in the Dunkirk Herald on August 24, 1910; and the Commission having been attended on behalf of the petitioners by *Adelbert W. Cummings*, president of each of the petitioners, and by *Harry T. Litchfield*, secretary of the Dunkirk Power and Heating Company, and *Herman J. Westwood*, attorney for the petitioners, no one appearing in opposition to the prayer of the petition; and due deliberation having been had thereon,

It is Ordered: That upon the declaration and payment of a dividend of fifty-four thousand nine hundred forty-eight dollars and sixty-six cents ($54.948.66) by the Dunkirk Power and Heating Company, the permission of the Commission be and the same hereby is granted to the Dunkirk Power and Heating Company and the Dunkirk Distribution Company to consolidate into one corporation, pursuant to subdivision three of section 61 of the Transportation Corporations Law, under the name of Dunkirk Power and Heating Company, and under and pursuant to the terms of the consolidation agreement annexed to the petition herein, except that the paragraph marked "Ninth" of the said consolidation agreement shall read as follows: "That the manner of distributing said capital stock among the holders thereof shall be as follows: the outstanding capital stock of the Dunkirk Distribution Company shall be convertible into the capital stock of the new corporation hereby formed, one share of the new corporation in exchange for one share of the Dunkirk Distribution Company; and the outstanding capital stock of the Dunkirk Power and Heating Company shall be convertible into the capital stock of the new corporation hereby formed, one share of the new corporation in exchange for five and three-quarters shares of the Dunkirk Power and Heating Company, and in the same proportion in greater or less amounts, and upon presentation and surrender of any outstanding certificates of stock in either of said constituent corporations parties hereto, certificates for the proper amounts of stock in said new corporation shall be issued to the holders thereof."

It is further Ordered: That the permission of this Commission be and the same hereby is granted to the corporation so formed by this consolidation to issue capital stock of the par value of three thousand dollars ($3000) for cash to that amount, to pay for not less than three thousand dollars in actual improvement and extension of its distributing system; that upon

making such improvements and extensions the said corporation make verified report showing details of construction and expenditure.

It is further Ordered: That in the opinion of the Commission the money to be produced by the issue of said capital stock is reasonably required for the aforesaid purposes of the corporation, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

It is further Ordered: That upon the declaration and payment of said dividend the Dunkirk Power and Heating Company shall report in detail the facts in relation thereto to this Commission; that the corporation formed by said consolidation shall make verified reports to this Commission as follows: (*a*) upon the sale of said three thousand dollars ($3000) capital stock hereby authorized to be issued or any of it, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than par; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said capital stock have been expended, in accordance with the terms of this order.

[Case No. 1819]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the DUNKIRK DISTRIBUTION COMPANY to exercise a lease of certain franchises, and to issue stock for the payment of certain properties, pursuant to sections 68 and 69 of the Public Service Commissions Law.

The petition of the Dunkirk Distribution Company in the above entitled matter having been filed with this Commission on the 12th day of August, 1910; and a public hearing upon the said petition having been held at the office of the Commission, No. 1216 Chamber of Commerce Building, in the city of Buffalo, New York, on Friday, August 26, 1910, and *Adelbert W. Cummings*, president of the said Dunkirk Distribution Company, having appeared with its attorney, *Herman J. Westwood*, in support of the petition, and no one appearing in opposition thereto; and due deliberation having been had thereon,

Ordered: 1. That the permission of this Commission be and the same hereby is granted to the Dunkirk Distribution Company to issue its capital stock of the par value of nine thousand two hundred dollars ($9200) for the purpose of paying for that certain property this Commission has permitted it to acquire from the Dunkirk Power and Heating Company, mentioned and described in the amended schedule "G" annexed to the petition of the Dunkirk Electrical Manufacturing Company, The Dunkirk Distribution Company, and the Dunkirk Power and Heating Company, for permission of the last named company to transfer certain of its works and property, which petition and the proceedings thereunder is now pending before this Commission; and to issue capital stock of the par value of three hundred dollars ($300) to defray the cost of legal expenses in connection with the organiza-

tion of the Dunkirk Distribution Company and of acquiring its rights. That in the opinion of the Commission the property to be procured or paid for by the issue of such stock is reasonably required for the aforesaid purposes, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 2. That the permission of this Commission be and the same hereby is granted to the Dunkirk Distribution Company to exercise a certain lease of so much of a franchise granted by the City of Dunkirk, New York, to one Adelbert W. Cummings on the 16th day of July, 1901, as pertains to electricity, the said lease being in substantially the form of schedule "B" annexed to the said petition of the Dunkirk Power and Heating Company, the Dunkirk Distribution Company, and the Dunkirk Electrical Manufacturing Company, proceedings under which are now pending before this Commission.

Ordered: 3. That the said Dunkirk Distribution Company immediately upon the issuance of the $9500 capital stock authorized by this order to be issued for the purposes mentioned in this order, shall file with this Commission a verified report in detail of the facts of such transaction or transactions.

[Case No. 1436]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of THE NIAGARA FALLS POWER COMPANY under section 69 of the Public Service Commissions Law for authority to execute and deliver a mortgage for $20,000,000, and to issue bonds to be secured by said mortgage.

In the above entitled matter this Commission did on the 18th day of February, 1910, duly authorize the said The Niagara Falls Power Company to issue its refunding bonds upon the security of a certain mortgage authorized by this Commission in said order, to the amount of $9,074,000, the proceeds of said bonds to be used to refund or discharge certain outstanding securities and obligations of the said company as therein particularly described. Upon the application of said company it now appears that all of the bonds and obligations to be refunded or discharged by the issue of said bonds have been refunded, except certain debentures in the aggregate principal amount of $1,534,000, which are now outstanding, and that the company desires authorization to issue its capital stock to be disposed of for cash and at par, to the said amount of $1,534,000, and with the proceeds of the issue of said stock to discharge the aforesaid outstanding debentures, instead of issuing the bonds therefor as authorized by the said order; and it appearing that there is no objection to allowing the applicant the right to exercise its option in this matter, now therefore it is

Ordered: That The Niagara Falls Power Company be and it is hereby authorized to issue its common capital stock to the amount of $1,534,000 par value, the proceeds of the issue of said stock to be used for the following purposes only: (*a*) to discharge the ten-year 6 per cent debentures (Canadian collateral), Series A, due October 1, 1911, mentioned and described in the paragraph of said order numbered b, $614,000; (*b*) to discharge the 6

per cent debentures (Canadian collateral), Series B, due November 1, 1914, and described in the paragraph of said order numbered c, to the amount of $815,000; (c) to discharge the ten-year 6 per cent debentures (Canadian collateral), Series C, due November 1, 1914, to the amount of $105,000: total debentures outstanding to be discharged, $1,534,000. The said The Niagara Falls Power Company shall have the option to issue its stock, as herein authorized, for the discharge of said debentures, or to proceed in accordance with the terms of the original order hereinbefore referred to, the said option to be exercised by this company on or before April 1, 1911, and upon the exercise of said option the company to formally notify this Commission of such action. That in the opinion of the Commission the money to be procured by the issue of said stock is reasonably required for the purposes specified in this order, and that said purposes are not in whole or in part reasonably chargeable to operating expense or to income.

It is further Ordered: That said The Niagara Falls Power Company on or before April 1, 1911, shall make a verified report to this Commission, stating whether said $1,534,000 in common capital stock has been issued and sold for cash at par for the purposes stated in this order; and if so, if the proceeds of said capital stock have been used for the purposes stated in this order, giving reasonable details of the transaction or transactions, or stating that said capital stock or any of it has not been issued.

[Case No. 1580]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION. SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the HARTWICK POWER COMPANY under section 69 of the Public Service Commissions Law for approval of mortgage, and for permission and approval to issue its mortgage bonds in the amount par value of $500.000, and its capital stock in the amount par value of $300,000.

Whereas, It appears —

1. That applicant on or about December 30, 1909, acquired by deed from the Trust Company of America the certain steam power electric plant situate in the town of Hartwick, Otsego county, and acquired by said Trust Company on or about December 21, 1909, from the Otsego and Herkimer Railroad Company for the purpose of transfer to applicant; and that applicant, subject to the approval of this Commission, has issued in payment therefor to the said Trust Company of America $100.000 par value of its capital stock.

2. That said Trust Company of America, pursuant to agreement dated December 21, 1909, has advanced for account of applicant the sum of $45,402.25 for improvements and betterments to said steam power electric plant, and that applicant proposes to issue bonds to the amount of $54,482.70 par value, at 80, in payment for said improvements.

3. That applicant desires to purchase from the Susquehanna River Power Company, a business corporation, a certain hydro-electric development system located at Colliers, Otsego county, together with a transmission line connecting said hydro-electric development system with the steam power electric plant at Hartwick; that the Trust Company of America owns the entire capital stock of said Susquehanna River Power Company, and that applicant

proposes to issue in payment for said hydro-electric development system and transmission line bonds in the amount par value of $445,517.30, at 80, and capital stock in the amount par value of $109,659.16.

4. That the moneys actually invested in said hydro-electric development and transmission system were advanced by said Trust Company of America; and that applicant further proposes to issue to said Trust Company of America its capital stock in the amount par value of $90,340.84 to compensate said trust company for interest during construction and for expenses incurred by said trust company incident to organization.

5. It appears from the testimony of applicant's engineer that the total reproductive cost of the steam and water power plants and transmission line which the applicant proposes to purchase is as follows:

Steam plant		$125,000
Disbursements under the Stevens-Hewitt contract No. 1	$137,815	
Disbursements under the Stevens-Hewitt contract No. 2	202,165	
	$339,980	
Cost of flow lands	114,242	
Unit No. 3	11,000	
Transmission line	27,900	
Interest on cost 3 years	83,600	
Interest on pole line	3,348	
		580,070
To balance		400
		$705,470

6. It appears to the Commission from the evidence in this case and from an examination which has been made of the properties by the engineer of the Commission that certain items of cost of transmission line in above estimate have been duplicated, and that considerable of the money expended in original construction has been wasted and should not be represented by capital, and therefore the proper cost upon which to base capitalization should be: Steam plant, $125,000; water power plant and transmission line, $495,000: $620,000.

7. It appears from examination by the engineer of the Commission that the only certain source of revenue at present to the Hartwick Power Company is the receipts from power sold to the Otsego and Herkimer railroad, and that the net earnings derived from this source may fairly be taken at $20,000 per annum. It therefore appears to the Commission that the bond issue to be authorized should be limited to the amount upon which said sum of $20,000 will pay the interest at 5 per cent, making a total bond issue of $400,000; and it appears to the Commission that the minimum price at which said bonds should be sold is 80, realizing cash of $320,000, and that the remaining capitalization to the amount of $300,000 should be represented by stock; and

Whereas, It appears to the Commission that the property to be secured by the aforesaid issue of stock and bonds is reasonably required for the purposes specified, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income; and

Whereas, The applicant, Hartwick Power Company, has agreed upon a contract for the sale of power to the Otsego and Herkimer Railroad Company subject to the approval of this Commission; and it appears from the evidence of the applicant that the cost of power under this contract will not exceed one and one-half cents per kilowatt hour for power actually used, based upon coal and labor at present unit prices, and the approval of said contract by this Commission is based upon applicant's testimony as to said maximum cost of power; it is therefore

Ordered: 1. That the Hartwick Power Company be and it hereby is authorized (*a*) to issue its capital stock to the amount of $300,000 par value: (*b*) to issue its bonds maturing in 30 years, bearing interest at the rate of 5 per cent per annum, to the amount of $400,000 par value; (*c*) that said bonds shall be sold at not less than 80 per cent of their par value.

Ordered: 2. That said capital stock and bonds or the proceeds thereof shall be used for the following purposes only: (*a*) In payment to the Sus-

quehanna River Power Company as consideration for the purchase of a hydro-electric development system on the Susquehanna river at Colliers, Otsego county, consisting of dam, storage reservoir, all flow lands, and power house, together with a transmission line from said hydro-electric plant to the steam power electric plant situate at Hartwick, Otsego county, and in payment to the Trust Company of America for certain expenses incurred by it in the construction of the hydro-electric development system at Colliers and the transmission line, consisting of interest during construction, and organization expenses, capital stock to the amount of $200,000 par value, and bonds to the amount of $368,750 par value; (*b*) in payment to the Trust Company of America as consideration for the purchase from the Otsego and Herkimer Railroad Company of the steam power electric plant formerly owned by said railroad company situate at Hartwick, Otsego county, and transferred to applicant by deed on or about December 21, 1909, capital stock in the amount par value of $100,000; (*c*) in payment to the Trust Company of America for moneys advanced for account of applicant, pursuant to agreement dated December 21, 1909, a copy of which is attached to the petition herein as "Exhibit D," for improvements and betterments to the said steam power electric plant at Hartwick, bonds to the amount of $31,250 par value.

Ordered: 3. That the Hartwick Power Company be and it hereby is authorized to execute and deliver to the Trust Company of America as trustee, a mortgage upon its properties and franchises to secure an issue of bonds to the amount of $750,000, of which amount the bonds hereinbefore authorized to the amount of $400,000 shall be a part, but no other or further bonds shall be issued except on the further authorization of this Commission; and that said mortgage shall not be executed until same has been submitted in the final form for approval by this Commission.

Ordered: 4. That the approval of this Commission is hereby given to the execution by the applicant of a certain agreement between the Otsego and Herkimer Railroad Company and the Trust Company of America, the Susquehanna River Power Company, W. Boardman Reed and William B. Reed, jr., and Hartwick Power Company, dated December 21, 1909, and filed as Exhibit D in this case; provided however that said applicant, the Hartwick Power Company, be and is hereby required to file with this Commission in connection with its annual report each year, until further order of this Commission, a statement of its income from the Otsego and Herkimer Railroad Company under each of the terms of said contract, including the total amount of power actually furnished to said railroad company and the actual price paid by said company per kilowatt hour for said power; and provided that if in any year during the operation of said contract the price per kilowatt hour for such power actually used shall exceed the maximum sum of one and one-half cents, a special statement to this Commission shall be made, explaining fully the reason for said increase.

Ordered: 5. That said Hartwick Power Company shall make verified reports to this Commission as follows: (*a*) the statements required by order number four of this order; (*b*) upon the issuance of said $300,000 in capital stock authorized by this order to be issued, the fact of such issuance and the terms of issuance which shall represent not less than the par value of said capital stock; (*c*) upon the issuance of said $400,000 in mortgage bonds authorized by this order to be issued, the terms of issuance which shall represent not less than 80 per cent of the par value of said mortgage bonds; (*d*) upon the completion of the transactions involved in the issuance of said capital stock and said mortgage bonds as authorized by this order, a statement of the property which has been acquired by said Hartwick Power Company for said capital stock and said mortgage bonds, which property must be that described in this order.

[Case No. 1938]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the CHERRY GAS AND OIL COMPANY under section 69 of the Public Service Commissions Law as to issuing capital stock.

Whereas, It appears in the petition of Cherry Gas and Oil Company of Hamburg, Erie county, N. Y., that the petitioner is a domestic stock corporation incorporated for the purpose of drilling natural gas wells and distributing the product from such wells in the town of Hamburg, N. Y., to the United Natural Gas Company, with a capital stock of $3000, consisting of 120 shares of the par value of $25 per share; and

Whereas, It further appears from the petition herein that without intent to violate the Public Service Commissions Law petitioner has issued $3000 in common capital stock without the permission and approval of this Commission, and has received therefor the sum of $130 per share for the total number of 120 shares, netting therefor $15,600; now therefore, after due deliberation, it is

Ordered: 1. That the consent of this Commission be and it hereby is given to the Cherry Gas and Oil Company to issue said $3000 in common capital stock to be sold at not less than par, the proceeds derived therefrom to be used solely for the purpose of drilling, construction, and proper equipment of gas wells, and laying down and constructing a pipe line and distributing system from its wells in the town of Hamburg, Erie county, N. Y., through the village and town of Hamburg to the pipe line and distributing system of the United Natural Gas Company, and for no other purposes.

Ordered: 2. That in the opinion of this Commission the use of the capital so derived is reasonably required for the aforesaid purposes of the corporation, and that in issuing said stock without permission and authority the petitioner herein acted in good faith, although unintentionally violating section 69 of the Public Service Commissions Law; and that this authorization therefor be treated as made of the date of the issuance of said stock by the petitioner, thereby making regular and lawful said issue and sale; and that the capital so derived is not reasonably chargeable to operating expenses or to income except as otherwise permitted herein.

Ordered: 3. That said Cherry Gas and Oil Company shall make verified reports to this Commission as follows: (*a*) a report within 30 days from the date hereof showing the total amount of stock sold, the price for which it was sold, and the total amount of money received therefor; (*b*) at the termination of each and every six months from the date of this order a report showing in reasonable detail the manner of the expenditure of the proceeds derived from the sale of said stock.

[Case No. 1995]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE.
Commissioners.

In the matter of the Petition of the PATCHOGUE ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to issue $30,000 additional capital stock.

Whereas, The petition in the above entitled matter and the evidence produced at a public hearing held therein on the 23rd day of November, 1910, show that the outstanding capital stock of the applicant at the present time is $70,000, and that during the twelve months last past the said Patchogue Electric Light Company has incurred certain obligations by reason of additions, improvements, betterments, and extensions to its plant and distributing system: and it further appearing from said petition and evidence that further additions, improvements, and betterments are contemplated; now therefore, after due deliberation, it is

Ordered: 1. That the Patchogue Electric Light Company be and it hereby is authorized, pursuant to section 69 of the Public Service Commissions Law, to issue $30,000 additional common capital stock to be sold at par and for cash, the proceeds derived from the sale of said additional common capital stock to be used for the following purposes, and none other: 1. To take up and cancel the following note obligations: (*a*) a note dated December 1, 1909, to the Citizens National Bank of Patchogue, N. Y., $1500: (*b*) a note to Ellen W. Mills dated May 17, 1910, $1500: (*c*) a note dated May 20, 1910, to the Patchogue Bank, $2500; (*d*) a note to Citizens National Bank of Patchogue dated July 1, 1910, 2500; (*e*) a note to Patchogue Bank dated August 3, 1910, $2500; (*f*) a note to the Center Moriches Bank dated September 26, 1910, $2500: (*g*) a note to the Patchogue Bank dated October 1, 1910, $2500; (*h*) to pay a note to the Citizens National Bank of Patchogue dated October 1, 1910, $2500; (*i*) to pay a note to the First National Bank of Port Jefferson dated October 31, 1910, $2500; total, $20,500. 2. For the payment of bills payable outstanding and owing on November 1, 1910, $2717.87. 3. For working capital, $1500: $24,717.87. 4. For the completion of the lines of the applicant between the power station in Patchogue and the sub-station at Center Moriches, the balance of the $30,000 derived from the sale of said stock, being $5282.13, or such a part of said sum of $5282.13 as may be required therefor; and if said sum is not necessary therefor, the balance if any shall be applied upon the purchase price of one steam turbine and alternating outfit with condenser for the same, and two 250-horsepower boilers, foundations for engines and boilers, stack, and bricking for the power house.

Ordered: 2. That in the opinion of this Commission the money to be procured by the issue of said stock is reasonably required for the aforesaid purposes of the corporation, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 3. That said Patchogue Electric Light Company shall make verified reports to this Commission as follows: (*a*) upon the sale for cash of said $30,000 common capital stock hereby authorized to be issued or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*b*) at the termination of each and every period of six months

after the date of this order, the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said capital stock have been expended, in accordance with the terms of this order.

[Case No. 1503]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter, under section 69 of the Public Service Commissions Law, of the issuance of capital stock, mortgage, and mortgage bonds by the Niagara and Erie Power Company, and under section 68 of the Public Service Commissions Law as to construction and exercise of franchises by said company.

The Niagara and Erie Power Company having filed its petition with this Commission on the 10th day of February, 1910, asking for authority to issue certain stocks and bonds; and public hearings have been had upon said application and due deliberation having been had thereon,

Ordered: 1. That under section 69 of the Public Service Commissions Law this Commission hereby authorizes the Niagara and Erie Power Company to issue $100,000 of its capital stock at par for the following uses and purposes and no others: to wit, $90,000 of its capital stock to the Niagara, Lockport and Ontario Power Company for part payment in acquiring from the Niagara, Lockport and Ontario Power Company the Gardenville substation and distributive system, and high tension transmission line extending from the property of the Lackawanna Steel Company in the city of Lackawanna to the switching and transformer station of the Buffalo and Lake Erie Traction Company at Athol Springs, N. Y., together with all customers and contracts connected therewith, which said property is contained in three schedules marked "A," "B," and "C" annexed to the petition of the Niagara and Erie Power Company dated January 18, 1910, and filed with this Commission on the 10th day of February, 1910; $10,000 of its capital stock to the Buffalo and Lake Erie Traction Company for part payment in acquiring certain property of the Buffalo and Lake Erie Traction Company, consisting of an electric light, gas, and heating plant, and of all the capital stock of the Fredonia Natural Gas Light Company in the village of Fredonia, Chautauqua county, N. Y., and all contracts and franchises connected therewith; said property, franchises, and contracts are set forth in detail in Schedule E of the petition herein.

Ordered: 2. That pursuant to the provisions of section 69 of the Public Service Commissions Law this Commission hereby consents to the issue by the Niagara and Erie Power Company of a mortgage upon all the property, assets, and franchises of said company to the Guaranty Trust Company of the city of New York as trustee, to secure the payment of $1,250,000 in bonds of the denomination of $1000 each, said bonds to become due in 30 years, with interest at 5 per cent payable semiannually. And this Commission hereby approves of the form of said bond and mortgage filed with this Commission on the 28th day of July, 1910.

Ordered: 3. That under and pursuant to the provisions of section 69 of the Public Service Commissions Law this Commission hereby authorizes the Niagara and Erie Power Company to issue $510,000 of its said bonds for cash at not less than 85 per cent of their par value, for the following uses and purposes and no others: to wit, (*a*) to acquire the property of the Niagara, Lockport and Ontario Power Company, consisting of its Gardenville substation and distributing system as particularly described in the petition and Schedules "A," "B," and "C" annexed thereto, $328,824.42, said property to be free from all incumbrance; (*b*) to acquire the electric light, gas, and heating plant and the capital stock of the Fredonia Natural Gas Company from the Buffalo and Lake Erie Traction Company, $40,000; (*c*) to acquire the transmission lines in the towns of Cheektowaga and Amherst, Erie county, and to the American Locomotive Works, and all contracts in connection with said new extension, $25,000; (*d*) to pay disbursements, consisting of organization tax, mortgage tax, printing, and traveling expenses, $5,000; (*e*) for working capital, $15.000; (*f*) for legal expenses, $20,000: total, $433,824.42. That in the opinion of the Commission the money, property, and labor to be procured or paid for by the issue of said stock and bonds is reasonably required for the purposes specified in the foregoing order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 4. That under and pursuant to the provisions of section 68 of the Public Service Commissions Law this Commission hereby gives its approval to the Niagara and Erie Power Company to construct its electric plant and begin the work of any new construction in connection therewith; and also hereby consents and gives its approval to said Niagara and Erie Power Company to exercise all rights and privileges under the franchises to be transferred to it by the Niagara, Lockport and Ontario Power Company and the Buffalo and Lake Erie Traction Company.

Ordered: 5. That said Niagara and Erie Power Company shall make verified reports to this Commission as follows: (*a*) upon the issuance of said $90,000 capital stock to the Niagara, Lockport and Ontario Power Company in accordance with the terms of this order, the facts, in reasonable detail, of such transaction; (*b*) upon the issuance of said $10.000 capital stock to the Buffalo and Lake Erie Traction Company in accordance with the terms of this order, the facts in reasonable detail of such transaction; (*c*) upon the sale for cash of said $510,000 in mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 85 per cent of the par value of said bonds; (*d*) at the termination of each and every period of six months after the date of this order the disposition and use made of the proceeds of said $510.000 in mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 2019]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of The Owego Light and Power Company for consent to issue a mortgage and to issue bonds secured thereby, pursuant to section 69 of the Public Service Commissions Law.

After due hearing and deliberation it is

Ordered: 1. That The Owego Light and Power Company be and it hereby is authorized to issue a mortgage upon all of its property, rights, and franchises to Lyman T. Stanbrough of the village of Owego, New York, as trustee, dated January 1, 1911, and that the proposed form thereof, as shown by a copy annexed to and made a part of the petition herein marked Schedule 11, be and the same hereby is approved.

Ordered: 2. That the said The Owego Light and Power Company be and it hereby is authorized, pursuant to section 69 of the Public Service Commissions Law, to issue thirty-two thousand dollars ($32,000) of its twenty-year 5 per cent gold bonds dated January 1, 1911, secured by a mortgage hereinbefore described, to be sold at not less than par and for cash.

Ordered: 3. That the proceeds derived from the sale of said bonds shall be used for the following purposes, and none other: (*a*) to pay in full and discharge the present outstanding bonded indebtedness of the said The Owego Light and Power Company to the amount of $25,000, the same being the entire bonded indebtedness of said company now outstanding, $25,000; (*b*) to pay and discharge notes and bills payable of the said company now outstanding to the amount of $7,000, as set forth in Schedule 9 of the petition, $7,000: total, $32,000. That upon the payment and discharge of the notes last mentioned, bonds of the said The Owego Light and Power Company to the amount of $5,000 which are pledged as collateral for a portion of the said notes shall be as a part of the said transaction, paid, retired, and canceled.

Ordercd: 4. That in the opinion of this Commission the money to be procured from the sale of the said bonds is reasonably required for the aforesaid purposes of the corporation, and that said purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 5. That the said The Owego Light and Power Company shall make verified reports to this Commission as follows: (*a*) upon the sale for cash of said $32,000 in mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and condition of sale, and the amounts realized therefrom which shall not be less than the par value of said bonds; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and the use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such report shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 2021]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the BOLTON LIGHT AND POWER COMPANY under sections 68 and 69 of the Public Service Commissions Law.

After due hearing and deliberation, it is

Ordered: 1. That the Bolton Light and Power Company be and it hereby is permitted, under section 68 of the Public Service Commissions Law, to construct, erect, build, maintain, and operate suitable wires, poles, and other conductors in, over, through, and across the streets, avenues, highways, and public places of the town of Bolton, Warren county, New York, for the purposes of furnishing and distributing electricity in said town and to the inhabitants thereof; and that it be and hereby is permitted to exercise the rights and privileges for such construction, maintenance, and operation conferred by a franchise granted by the town board and commissioner of highways of the said Town of Bolton on the 16th day of July, 1910, a copy of which is annexed to and made a part of the petition of the said corporation to this Commission for this permission and consent.

Ordered: 2. That the Bolton Light and Power Company be and it hereby is authorized, pursuant to section 69 of the Public Service Commissions Law, to issue 250 shares of its common capital stock of the par value of $50 per share, total par value $12,500, and to issue its ten-year 6 per cent first mortgage bonds, secured by a mortgage upon all of its property, rights, and franchises, to the amount of $10,000, in such denominations as it may elect, said bonds to be sold at not less than par and for cash.

Ordered: 3. That the said stock and bonds and the proceeds derived from the sale thereof shall be used for the following purposes, and no others: to wit, of the capital stock, for the purchase of a power house, real estate, heating equipment for power house, and coal bunkers, as set forth and described in "Group A" in the affidavit of William J. Fox annexed to the petition herein, $5000; for the construction of a distributing system as set forth in "Group B" of said affidavit the sum of $3630.50; for the purchase and construction of an engine and producer as set forth in "Group C" of said affidavit the sum of $4200; for the purchase and installation of electric generating apparatus as set forth in "Group D" of said affidavit the sum of $3149; for the purchase of tools, cost of engineering, legal expenses, incidentals, and for working capital, the sum of $2850, making a total for the above matters of $18.829.50. That the balance of the proceeds derived from the sale of said stock and bonds not required for the purposes hereinbefore mentioned, to wit, the sum of $3670.50, be used by said Bolton Light and Power Company for future extensions and additions to its system. That before making an expenditure of any portion of the said sum of $3670.50, the said corporation shall file with this Commission a verified statement, showing in detail the purposes for which it desires to make such expenditure, and that the Commission will, if satisfied that such expenditure is proper, issue a supplemental order permitting the application of said money to such purpose or purposes. That in the opinion of this Commission the money and property to be procured from the issue of said stock and bonds is reasonably required for the aforesaid purposes of the corporation, and that said purposes are not in whole or in part properly chargeable to operating expenses or to income.

Ordered: 4. Said Bolton Light and Power Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $12,500 common capital stock hereby authorized to be issued or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*b*) upon the sale for cash of said $10,000 in mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than their par value; (*c*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said capital stock and mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said capital stock and mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 2024]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of December, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Application of the Utica Gas and Electric Company under section 69 of the Public Service Commissions Law for authority to issue $500,000 par value of its $5,000,000 refunding and extension mortgage 5 per cent fifty-year gold bonds.

After due hearing and deliberation it is

Ordered: 1. That the Utica Gas and Electric Company be and it hereby is authorized, pursuant to section 69 of the Public Service Commissions Law, to issue five hundred thousand dollars ($500,000) par value of its remaining unissued three million ($3,000,000) par value refunding and extension 5 per cent fifty-year gold bonds, of the denomination of one thousand dollars ($1000) each, dated July 1, 1907, due July 1, 1957, and secured by an existing mortgage or deed of trust given July 1, 1907, to Central Trust Company of New York, the proceeds derived from the sale of said bonds to be used exclusively for the following purposes and none other: 1, to pay off and discharge the notes shown in Schedule "D" attached to the petition herein, given on account of constructions and extensions shown in Schedules "A" and "B" of said petition, amounting to $277,738.96; 2, to pay off and discharge the real estate mortgages noted in Schedule "B" aboved mentioned and described in Schedule "D" of the petition, aggregating the sum of $26,858.29; 3, to pay invoices due and to become due on contracts, and to reimburse the corporation on account of construction and improvements to its several plants and distributing systems and facilities, as shown in Schedules "A" and "B" of the petition, to the amount of $172,308.56: total, $476,905.81.

Ordered: 2. That the said bonds be sold at not less than 95 per cent of their face or par value. That in the use of the proceeds of said bonds for the purchase of property and construction of extensions and improvements, according to the estimates set forth in the schedules annexed to the petition, the said corporation shall not expend for any item of said estimates any greater sum than the estimated amount for said item or items without the

further authorization of this Commission, and shall not apply to or use for any item any sum of money hereby authorized for any other item of said proposed construction without such further authorization.

Ordered: 3. That in the opinion of this Commission the money to be procured by the issue of the aforesaid bonds is reasonably required for the above mentioned purposes of the corporation, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 4. That said Utica Gas and Electric Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $500,000 in mortgage bonds hereby authorized to be issued or any of them, the fact of such sale, the terms and conditions of sale and the amounts realized therefrom which shall not be less than 95 per cent of their face or par value; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1999]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Application of the HOOSAC RIVER ELECTRIC LIGHT AND POWER COMPANY for permission to exercise its franchise in the town of Pittstown, Rensselaer county, New York; and to begin construction, pursuant to section 68 of the Public Service Commissions Law; and for permission to issue its common capital stock to an amount par value of $2000.

After due hearing and deliberation it is

Ordered: 1. That the permission and approval of this Commission be and the same hereby are given that the Hoosac River Electric Light and Power Company may exercise the rights and privileges granted it by a franchise given by the town board of the Town of Pittstown and dated the 18th day of December, 1909, a copy of which franchise is annexed to the petition of said company and filed in this case.

Ordered: 2. That the permission and approval of this Commission be and the same hereby are given that the said Hoosac River Electric Light and Power Company may begin construction of an electric plant and system, pursuant to the terms of said franchise, and for the purpose of exercising the rights conferred by the said franchise.

Ordered: 3. That the said Hoosac River Electric Light and Power Company may issue its common capital stock to an amount not exceeding $2000 par value, said stock to be issued and disposed of only at par, for the following purposes and no others: to wit, for the construction of its street lighting system in the hamlet of Johnsonville, town of Pittstown, and for the purpose of constructing a distribution system for commercial lighting in the said

hamlet of Johnsonville, as set forth in Schedule E annexed to the said petition.

Ordered: 4. That the said Hoosac River Electric Light and Power Company be and it hereby is authorized to use such portion as it may elect of the common capital stock authorized by order of this Commission under date of March 10, 1910, to be issued, to provide funds for construction work to be done by it at Schaghticoke and Valley Falls, for the purposes of construction work to be performed at Johnsonville as set forth in Schedule E of said petition, instead of for the purposes originally authorized, upon condition that no portion of the proceeds of the stock herein authorized to be issued or that authorized by the order of March 10, 1910, shall be used for any purpose other than as prescribed by said order of March 10, 1910, and for the work, construction, and purchase of material as set forth in detail in said Schedule E.

Ordered: 5. That the stock herein authorized to be issued may be sold and delivered at par to the Schenectady Power Company, and that said Schenectady Power Company be and it hereby is authorized to take, acquire, and hold such portion of the stock herein authorized as it may be willing to purchase at par. That in the opinion of this Commission the money, property, and labor to be procured or paid for by the issue of the aforesaid stock is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Ordered: 6. That said Hoosac River Electric Light and Power Company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $2000 common capital stock hereby authorized to be issued or any of it, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said common capital stock; (*b*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of said common capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said $2000 common capital stock have been expended, in accordance with the terms of this order; (*c*) at the termination of each and every period of six months after the date of this order, the disposition and use made of the proceeds of the common capital stock referred to in order of this Commission of March 10, 1910, and in order number four of this order, setting forth in reasonable detail the purposes to which said proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of said proceeds have been expended, in accordance with the terms of this order.

[Case No. 1835]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the matter of the Application of THE RED HOOK LIGHT AND POWER COMPANY for approval of assignment of franchises and permission to execute a mortgage and mortgage bonds.

Whereas, By the terms of this Commission's order entered in the above entitled matter on the 14th day of September, 1910, consent was given to the execution by The Red Hook Light and Power Company for a trust mortgage upon all its property, assets, and franchises to secure the payment of $150,000 of bonds; and

Whereas, The said The Red Hook Light and Power Company did on the 7th day of December, 1910, file a form for said bonds and mortgage and requested the approval of this Commission thereto; now therefore it is

Ordered: That the said forms of bond and mortgage be and the same hereby are approved.

APPENDIX P

In the Matter of Applications and Complaints, Not Classified, Electrical Corporations and Gas Corporations.

APPENDIX P

[Case No 381]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of CRAWFORD & CRAWFORD of the city of Albany, N. Y., *against* MUNICIPAL GAS COMPANY.

After due deliberation it is

Ordered: That the matter of the complaint of Crawford & Crawford against Municipal Gas Company of the city of Albany be and is hereby closed on the record.

[Case No. 681]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of January, 1910.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of BUFFALO GENERAL ELECTRIC COMPANY *against* PRUDENTIAL BUILDING COMPANY of Buffalo.

After due deliberation it is

Ordered: That the complaint of the Buffalo General Electric Company against the Prudential Building Company be and hereby is dismissed, it not appearing that the said Prudential Building Company is violating the Public Service Commissions Law.

[Case No. 1512]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Keeping Accounts by the SODUS GAS AND ELECTRIC LIGHT COMPANY.

Whereas, The report of the Sodus Gas and Electric Light Company for the year 1909 shows that its operating revenues for that year amounted to more than $10,000,

Ordered: That the Sodus Gas and Electric Light Company be and hereby is ordered to keep its accounts in compliance with the Uniform System of Accounts for Electrical Corporations, Third Condensed Scheme, adopted December 18, 1908.

[Case No. 1516]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of February, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Requiring the SOUTHERN DUTCHESS GAS AND ELECTRIC COMPANY to manufacture and sell gas in conformity with the standards prescribed by the Commission.

Whereas, The gas of the Southern Dutchess Gas and Electric Company, upon regular and special examination and investigation by the Commission, has been found not to conform with the standards of illuminating power and purity fixed by the Commission, it is

Ordered: That the Southern Dutchess Gas and Electric Company be and it is hereby directed to show cause before this Commission on March 7, 1910, at 2 o'clock p. m., at its hearing room in Albany, for its neglect and failure to manufacture and sell gas in conformity with the standards of illuminating power and purity fixed by the Commission, and why an order should not be entered requiring said company forthwith to make such improvements in its methods of manufacture of gas and to the plant and apparatus employed therein as may be deemed necessary in the premises.

[Case No. 1363]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of February, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of the Complaint of the Common Council of the City of Oneonta relative to the electric service furnished by the Oneonta Light and Power Company.

Whereas, An inspection of the electric plant of said company made October 11, 1910, showed that the switchboard then in service at said plant was unsuitable for the safe and proper operation of the electrical system; and

Whereas, At a public hearing held in Albany on December 14, 1909, counsel for the company stated that a new switchboard would forthwith be installed in accordance with the recommendation of the Commission; and

Whereas, An investigation made by an inspector of the Commission on February 16, 1910, developed the fact that no action had as yet been taken by the company toward installing said switchboard; and

Whereas, It appears that the installation of a new switchboard is desirable for the proper measuring of the production of electric energy, and will promote the public interest and protect the consumers of electricity and those employed in the manufacture and distribution thereof; it is

Ordered: That the Oneonta Light and Power Company be and is hereby directed, under section 66, subdivision 2, of the Public Service Commissions Law, to purchase and install at its electric generating station a modern and approved type of switchboard to control the incandescent lighting, power, and arc lighting generators and exciters, and all incandescent lighting, power, and arc lighting feeders and mains, in such manner as to afford reasonable safety to those engaged in the production of the electric current and the consumers thereof; and it is further

Ordered: That the Oneonta Light and Power Company shall submit the plans and specifications for the proposed apparatus to be installed in conformity herewith, to the Commission for its approval on or before March 10, 1910, and that the switchboard shall be installed and put in service on or before April 30, 1910.

[Case No. 1363]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of March, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the COMMON COUNCIL OF THE CITY OF ONEONTA *against* the ONEONTA LIGHT AND POWER COMPANY relative to service.

Whereas, The Commission on February 24, 1910, issued an order requiring the Oneonta Light and Power Company to install at its plant suitable switchboard, plans for which are to be approved by the Commission; and

Whereas, The Oneonta Light and Power Company has submitted to the Commission specifications for a switchboard to be installed in accordance with said order; and

Whereas, The specifications provide for a modern and improved type of switchboard to control the generating equipment and feeders of the Oneonta Light and Power Company; therefore it is

Ordered: That the approval of the Commission be and it is hereby given to the construction of switchboard as specified in the papers filed with the case, provided that sufficient space be left on the single-phase alternating current generator and feeder panel to mount an indicating wattmeter if such should in the future become necessary.

[Case No. 1516]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of Requiring the SOUTHERN DUTCHESS GAS AND ELECTRIC COMPANY to manufacture and sell gas in conformity with the standards prescribed by the Commission.

After due deliberation it is

Ordered: That the matter of requiring the Southern Dutchess Gas and Electric Company to manufacture and sell gas in conformity with the standards prescribed by the Commission be and is hereby closed on the record, said company having installed upon its premises suitable apparatus for hereafter determining the illuminating power of the gas.

[Case No. 1554]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of J. H. BURTENSHAW AND OTHER RESIDENTS OF TARRYTOWN AND OF NORTH TARRYTOWN *against* the WESTCHESTER LIGHTING COMPANY as to price and quality of gas furnished; and

In the matter of the Complaint of GEORGE R. PRESTON AND OTHER RESIDENTS OF TARRYTOWN AND NORTH TARRYTOWN *against* the WESTCHESTER LIGHTING COMPANY as to price of electricity and as to electric service.

After due deliberation it is

Ordered: That in the above entitled matters the Westchester Lighting Company be and it is hereby directed to answer the annexed interrogatories, in writing, on or before May 2nd, such answers to be verified by the oath of an officer of respondent, and a copy of the answers to be served on Frederick A. Russell, jr., attorney complainants, office and postoffice address 143 West Main street, Tarrytown, N. Y., at the time the original is filed with the Commission; that in case the respondent is unable to answer any of said interrogatories in whole or in part, such inability shall be stated affirmatively, with the reason why the desired information can not be furnished.

[Case No. 1584]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of CHARLES EDDISON AND OTHER RESIDENTS OF THE VILLAGE OF IRVINGTON *against* the WESTCHESTER LIGHTING COMPANY as to quality and price of gas furnished; and

In the matter of the Complaint of R. G. ABERCROMBIE AND OTHER RESIDENTS OF IRVINGTON *against* the WESTCHESTER LIGHTING COMPANY as to price of electricity and as to electric service.

After due deliberation it is

Ordered: That in the above entitled matters the Westchester Lighting Company be and it is hereby directed to answer the annexed interrogatories in writing on or before May 2nd, such answers to be verified by the oath of an

officer of respondent, and a copy of the answers to be served on Charles Eddison, attorney complainants, office and postoffice address 74 North Broadway, Irvington, N. Y., at the time the original is filed with the Commission; that in case the respondent is unable to answer any of said interrogatories in whole or in part, such inability shall be stated affirmatively, with the reason why the desired information can not be furnished.

[Case No. 1017]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of April, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of a recommendation of this Commission under date of March 10, 1909, to the MEXICO ELECTRIC COMPANY.

After due deliberation it is

Ordered: That upon the report and investigation of C. F. Hunter under date of April 20, 1910, the matter of requiring the Mexico Electric Company to make certain improvements to its plant and property be and is hereby closed on the record.

[Case No. 395]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of May, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of GENEVA-SENECA ELECTRIC COMPANY *against* ECONOMIC POWER AND CONSTRUCTION COMPANY.

Whereas, This Commission did, by a resolution adopted May 24, 1910, deny the application of the Economic Power and Construction Company for authority to exercise the rights and privileges conferred by a certain franchise granted to said company by the City of Geneva on or about the 20th day of July, 1909,

Ordered: That the matter of the complaint of the Geneva-Seneca Electric Company against Economic Power and Construction Company be and hereby is closed upon the records of this Commission.

[Case No. 643]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of safety and service in the operation of the gas and electric plant and system of the PORT JERVIS ELECTRIC LIGHT, POWER, GAS AND RAILROAD COMPANY.

After due deliberation it is

Ordered: That the matter of safety and service in the operation of the gas and electric plant and system of the Port Jervis Electric Light, Power, Gas and Railroad Company, be and the same hereby is closed upon the records of this Commission, the improvements to the gas and electric plant which were recommended by the Commission having been substantially completed by the successor corporation, Port Jervis Light and Power Company.

[Case No. 588]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of ANTONINO GUGINO and NATALE GUGINO of Buffalo, N. Y., *against* BUFFALO NATURAL GAS FUEL COMPANY.

Whereas, In the matter of the complaint of Antonino Gugino and Natale Gugino against Buffalo Natural Gas Fuel Company, relating to failure of company to furnish natural gas, Mr. Matthews, attorney for the complainants, having been requested by letter from Chairman Stevens dated February 17, 1910, to call upon him in Buffalo in regard to the case, and having been further requested by letter from the Secretary dated June 14, 1910, to call at the office of the Commission in Buffalo, Friday, June 17, 1910, if he desired further action on the part of the Commission in the matter, and no appearance or reply having resulted from these two communications; and

Whereas, It being the opinion of the Commission that it is inadvisable to further consider the complaint;

Ordered: That the matter be and hereby is closed upon the records of the Commission.

[Case No. 1363]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of June, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the COMMON COUNCIL OF THE CITY OF ONEONTA, relative to the electric service furnished by the Oneonta Light and Power Company.

After due deliberation it is

Ordered: That the matter of the complaint of the common council of the City of Oneonta against the Oneonta Light and Power Company, relative to service furnished by said company, be and is hereby closed upon the record, it appearing that said company has purchased and installed a switchboard as required by the order herein.

[Case No. 912]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of M. B. ESHLEMAN *against* BUFFALO GAS COMPANY in relation to furnishing gas.

After due hearing and deliberation it is

Ordered: That the Buffalo Gas Company be and it is hereby directed to connect forthwith the premises of M. B. Eshleman, at No. 17 Willow Lawn in the city of Buffalo, with its main in Willow Lawn by a suitable and proper connection, and upon making such connection to furnish said premises with gas upon the same terms as to guaranty and price which said company has established and is now making use of in the city of Buffalo; provided that the said Eshleman shall make to said gas company the application in writing required by section 62 of the Transportation Corporations Law and deposit with said company in advance, if so required by it, a sum of money sufficient to pay the cost of his portion of the pipe required to be laid and the expense of laying such portion, which is hereby fixed at the sum of five dollars. That the opinion prepared by Commissioner Olmsted in this and the Reimann and Simpson cases be adopted and printed as the opinion of the Commission.

[Case No. 1288]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of July, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Complaint of the MAYOR OF THE CITY OF LITTLE FALLS *against* UTICA GAS AND ELECTRIC COMPANY.

Whereas, In the matter of the complaint of the Mayor of the City of Little Falls against Utica Gas and Electric Company as to minimum meter charge to consumers of electricity in Little Falls, price charged consumers of gas in Little Falls, and quality of gas furnished, and as to the place of manufacture and method of manufacture and method of transmission and distribution of gas, a preliminary investigation having been made by Engineer H. H. Crowell, and a copy of the engineer's report having duly been sent complainant; and

Whereas, Timoth Dasey, Mayor of the City of Little Falls, in a communication addressed this Commission under date of July 21, 1910, wrote as follows: "The report is apparently very complete and was carefully and thoroughly made, and from the report it is very apparent that it would be unwise for the City at this time to continue further the investigation, and therefore I authorize a discontinuance of the proceedings." After due deliberation it is

Ordered: That the above case be and hereby is closed upon the records.

[Case No. 1334]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of PURCHASERS OF ELECTRICITY IN THE VILLAGE OF CANANDAIGUA *against* ONTARIO LIGHT AND TRACTION COMPANY, alleging insufficient and interrupted service of electricity for light and power by said company to complainants.

Whereas, In the matter of the complaint of purchasers of electricity in the village of Canandaigua against the Ontario Light and Traction Company, alleging insufficient and interrupted service of electric light and power by said company to complainants, a letter was written to Mr. Charles A. Persons, one of the complainants, Canandaigua, N. Y., dated July 12, 1910, wherein it was stated that the Commission had been informed that the service rendered by the Ontario Light and Traction Company in Canandaigua had been materially improved since the date of the filing of the complaint, and that in the absence of further complaint in regard to said service the case would be closed; and

Whereas, No reply has been received to said communication, it is

Ordered: That the matter be and hereby is closed upon the records of this Commission.

[Case No. 1460]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint under section 71 of the Public Service Commissions Law of the VILLAGE OF LYONS, by John W. Wolfe, president; also R. R. Barnes et al., being upwards of 25 consumers in the village, *against* LYONS GAS LIGHT COMPANY as to quality of gas, and WAYNE COUNTY ELECTRIC COMPANY as to inadequacy of current for power purposes and rates for electricity.

After due hearing and deliberation it is

Ordered: That the complaint of the Village of Lyons, Wayne county, N. Y., by John W. Wolfe, president; also R. R. Barnes et al., being upwards of 25 consumers in the village, against the Lyons Gas Light Company as to quality of gas, and Wayne County Electric Company as to inadequacy of current for power purposes and rates for electricity, be and hereby is closed upon the records of this Commission, the village attorney of Lyons having under date of August 13, 1910, agreed to such action, reserving the right to re-open the case if there should be a necessity for such action in the future.

[Case No. 1460]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of PURCHASERS OF ELECTRICITY IN THE VILLAGE OF CLYDE FROM THE WAYNE COUNTY ELECTRIC COMPANY, against said company, as to price of electricity sold and delivered in such municipality by said company.

Whereas, In the matter of the complaint of purchasers of electricity in the village of Clyde from the Wayne County Electric Company, against said company, as to price of electricity sold and delivered in such municipality by said company, the Village of Clyde was duly notified by order of the Commission dated June 1, 1910, of a hearing to be held in the city of Rochester on June 9, 1910; and

Whereas, The Village of Clyde was not represented at the above mentioned hearing; it is

Ordered: That the complaint be and hereby is closed upon the records of this Commission.

[Case No. 1729]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of JAY W. FORREST *against* MUNICIPAL GAS COMPANY OF ALBANY, asking that said company be directed to furnish gas to residence, 89 Manning Boulevard, Albany, on or before August 1, 1910.

After due deliberation it is

Ordered: That the matter of the complaint of J. W. Forrest against Municipal Gas Company of Albany, asking that said company be directed to furnish gas at residence No. 89 Manning Boulevard, Albany, on or before August 1, 1910, be and is hereby closed upon the records of this Commission, it appearing by letter from J. W. Forrest, the complainant, dated August 10, 1910, received by this Commission on that date, that the respondent has complied with the request to furnish gas and that there is no further need for the attention of this Commission in the matter.

[Case No. 1757]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of requiring the LOCKPORT LIGHT, HEAT AND POWER COMPANY to manufacture and sell gas in conformity with the standards prescribed by the Commission.

After due hearing and deliberation it is

Ordered: That the matter of requiring the Lockport Light, Heat and Power Company to manufacture and sell gas in conformity with the standards prescribed by the Commission be and the same is hereby closed upon the records of this Commission, the manager of said company having advised the Commission, at a hearing held August 1, 1910, that the matter complained of had been corrected and that there would be no further cause for complaint as to the quality and quantity of the gas supplied in Lockport.

[Case No. 1774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of August, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of CHRISTOPHER DEERING of Auburn *against* THE AUBURN LIGHT, HEAT AND POWER COMPANY as to failure of said company to furnish electricity for light at complainant's house, No. 97 Grant avenue, in Auburn.

After due deliberation it is

Ordered: That the above entitled matter be and hereby is closed upon the records of this Commission, complainant having advised by letter dated August 17, 1910, that the matter complained of had been satisfactorily adjusted.

[Case No. 1722]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the NEW ANGOLA GAS COMPANY *against* JOHN F. BURKE concerning the exercise of a franchise by said John F. Burke in the village of Angola, N. Y.

After due deliberation it is

Ordered: That the complaint of the New Angola Gas Company against John F. Burke be and hereby is dismissed, Fred S. Withey, attorney for complainant, having requested such dismissal at a public hearing thereon had at Buffalo, August 26, 1910.

[Case No. 987]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Petition of the MAYOR AND CORPORATION COUNSEL OF THE CITY OF PORT JERVIS.

After due hearing and deliberation it is

Ordered: That the matter of the petition of the mayor and corporation counsel of the City of Port Jervis, as a committee of the common council of

that City, in relation to the safety and service of the gas and electric light plants and street railroad service in said city, be and hereby is closed upon the records of this Commission.

[Case No. 1730]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of JOHN V. BECKER AND JOHN J. THEIS *against* PULASKI GAS AND OIL COMPANY (LIMITED) of Pulaski, as to failure to furnish complainants with gas later than the month of October, and as to failure to install gas meters in the cottages of complainants.

After due deliberation it is

Ordered: That the complaint of John V. Becker and John J. Theis against Pulaski Gas and Oil Company, Limited, as to failure to furnish complainants with gas later than the month of October, and as to failure to install gas meters in the cottages of complainants, be and hereby is closed upon the records of this Commission, a stipulation having been entered into by attorneys for complainant and respondent agreeing to the withdrawal of the action.

[Case No. 1750]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of A. L. SWETT ELECTRIC LIGHT AND POWER COMPANY *against* the MIDDLEPORT GAS AND ELECTRIC LIGHT COMPANY as to alleged unlawful exercise of a franchise in the town of Royalton, Niagara county.

Whereas, It appeared at the hearing held in the above entitled matter on the 30th of September, 1910, that the Middleport Gas and Electric Light Company has never obtained, pursuant to section 68 of the Public Service Commissions Law, the consent of this Commission to exercise rights and privileges for the erection, maintenance, and operation of an electric light plant and distributing system in the town of Royalton, Niagara county, N. Y.; and *Mr. George F. Thompson,* the attorney for the Middleport Gas and Electric Light Company, having stated to the Commission at said hearing that no attempt would be made on the part of said company to exercise such rights

and privileges in said town until the proper consent therefor had been obtained; and

Whereas, An application has now been made by said Middleport Gas and Electric Light Company under section 68 of the Public Service Commissions Law for permission to begin construction and exercise franchises; now therefore it is

Ordered: That the above entitled matter be and the same is hereby closed upon the records of this Commission.

[Case No. 1772]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of October, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the CITY OF JAMESTOWN, by its Mayor, Samuel A. Carlson, *against* PENNSYLVANIA GAS COMPANY.

Ordered: That the complaint of the City of Jamestown, by its mayor, Samuel A. Carlson, against the Pennsylvania Gas Company, be and it is hereby dismissed, pursuant to a stipulation of the mayor and corporation counsel at a hearing held at Jamestown on the 22nd day of October, 1910, such stipulation being made by the City pursuant to a stipulation of the Pennsylvania Gas Company that it will supply gas sufficient to meet the wants of consumers in the city of Jamestown and make all such reasonable extensions of its pipes and mains for supplying consumers in said city as may be ordered by this Commission.

[Case No. 588]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of ANTONIO GUGINO and NATALE GUGINO of Buffalo, N. Y., *against* THE BUFFALO NATURAL GAS FUEL COMPANY.

After due deliberation it is

Ordered: That the matter of the complaint of Antonio Gugino and Natale Gugino of Buffalo, N. Y., against The Buffalo Natural Gas Fuel Company be and the same hereby is closed upon the records of this Commission, it appearing by the letter from G. F. Matthews, attorney for the complainants, dated November 26, 1910, and received by this Commission November 28, 1910, that the respondent is now furnishing gas to the complainants, and that the case may be considered as closed.

[Case No. 1919]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of the MIDDLEPORT GAS AND ELECTRIC LIGHT COMPANY *against* THE A. L. SWETT ELECTRIC LIGHT AND POWER COMPANY.

In this case, The A. L. Swett Electric Light and Power Company was incorporated prior to the year 1905. On the 16th day of December, 1905, the municipal authorities of the Town of Royalton granted to said The A. L. Swett Electric Light and Power Company a franchise to occupy with proper structures the streets, highways, and public ways of the town of Royalton, for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said town of Royalton and the inhabitants thereof. So far as appears, the grantee of this franchise has complied with all of the conditions contained therein. It commenced the exercise of said franchise in the year 1906, by supplying electricity for lighting purposes to one inhabitant in the town of Royalton living a short distance west of the westerly boundary line of the village of Middleport, which is situate in said town of Royalton. Afterwards, and in the year 1907, and subsequent to the 1st day of July of that year, the company commenced to supply electricity for lighting purposes to another inhabitant in the town of Royalton. It has continued to supply electricity to both of these customers continuously since the dates named. The first acts named constituted an exercise of the franchise prior to July 1, 1907. The exercise of such franchise has not been suspended for more than one year. It is, therefore, not necessary for The A. L. Swett Electric Light and Power Company to obtain the permission and approval of this Commission to the exercise of such franchise. Therefore it is

Ordered: That the application of the Middleport Gas and Electric Light Company in the above entitled matter be and the same is hereby denied and the case is hereby dismissed.

[Case No. 629]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of 103 USERS OF ELECTRICITY FOR POWER IN SYRACUSE *against* SYRACUSE LIGHTING COMPANY as to alleged excessive price charged for electric power.

Ordered: That the matter of the complaint of residents of Syracuse against Syracuse Lighting Company relative to price charged for electric power be

and the same hereby is closed upon the records of this Commission, without prejudice, Mr. Joseph Bondy, attorney for a number of the complainants, having appeared before Commissioners Decker and Carlisle at a hearing held in the city of Syracuse on the 9th day of December, 1910, and having at that time stated that the complainants do not desire to proceed further with the case at this time.

[Case No. 780]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE CITY OF UTICA *against* UTICA GAS AND ELECTRIC COMPANY relative to the price of gas.

Ordered: That the matter of the complaint of residents of the city of Utica against the Utica Gas and Electric Company relative to the price of gas be and the same is hereby closed upon the records of this Commission, it appearing by a letter from Frederick M. Davenport dated December 7, 1910, and received by this Commission December 9, 1910, that there seems to be no present intention on the part of the complainant to proceed further with the case.

[Case No. 1844]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of December, 1910.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
JOHN N. CARLISLE,
Commissioners.

In the matter of the Complaint of ISLIP ELECTRIC LIGHT COMPANY *against* THE SAYVILLE ELECTRIC COMPANY as to alleged unlawful stringing of wires, etc., in East Islip, Suffolk county, N. Y.

Whereas, The testimony taken on the hearings in this proceeding shows that I. H. Green, jr., Daniel D. White, Francis Gerber, J. A. Nauert, Sewell Thornhill, G. A. Robinson, W. F. Lecluse, and C. N. Aldrich, and their assigns, obtained from the municipal authorities of the Town of Islip on or about the 19th day of May, 1900, a franchise to lay, erect, and construct suitable wires or other conductors with the necessary poles, pipes or other fixtures in, on, over, and under the streets, avenues, public parks, and places in the said town of Islip, and to operate an electric light, heat, and power plant in said town for the purpose of using electricity for light, heat, or power, and to carry on the business of lighting by electricity or using it for heat or power in the several villages within this town, and the streets, avenues, public parks, and places thereof; and further, that the said individuals above named did there-

after, by proper assignment, transfer the said franchise to The Sayville Electric Company; and further, that The Sayville Electric Company did immediately, and before the 1st day of July, 1907, proceed to exercise said franchise within the town of Islip, and has continuously exercised said franchise from a date prior to the 1st day of July, 1907, and is now exercising said franchise in said town; and further, that the town of Islip contains within its boundaries a number of so called villages which are in fact not incorporated villages but are the communities governed entirely by the town authorities of the Town of Islip;

Ordered: That in accordance with the provisions of section 68 of the Public Service Commissions Law the complaint herein of the Islip Electric Light Company against The Sayville Electric Company asking that The Sayville Electric Company be ordered to remove its wires and be restrained from serving electricity in East Islip (one of the villages hereinbefore referred to), be and hereby is dismissed, on the ground that The Sayville Electric Company is entirely within its legal rights in supplying electricity to any part of the town of Islip, it having a franchise so to do which was received by it prior to the 1st day of July, 1907, and exercised by it before that date.

[Case No. 1923]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, December 22, 1910.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
John N. Carlisle,
Commissioners.

In the matter of Prescribing Requirements to Govern the Practice of Gas Corporations and Electrical Corporations Respecting Consumers' Deposits.

Whereas, Upon resolution adopted August 23, 1909, an inquiry was made by this Commission into the extent to which gas corporations and electrical corporations have availed themselves of the privilege of exacting deposits from consumers in pursuance of section 63 of the Transportation Corporations Law (chapter 219, laws of 1909), and into the methods employed in the transaction of such business; and

Whereas, Upon the information obtained from said inquiry a hearing was had before this Commission at the Capitol, Albany, on the 1st day of November, 1910, in the matter of entering an order prescribing certain requirements to be observed by such corporations respecting the exercise of said privilege; and

Whereas, Due and timely notice of said hearing and of said proposed requirements was given such corporations by serving upon each and every one of such corporations a certified copy of the resolution of this Commission adopted October 5, 1910, wherein was set forth in detail the requirements proposed to be prescribed, and notice of said hearing; now therefore, upon the evidence given at the hearing on November 1, 1910, and upon all the proceedings herein, and in exercise of the general powers conferred upon this Commission, it is

Ordered: That each and every gas corporation and electrical corporation having on hand deposits of consumers pursuant to section 63 of the Transportation Corporations Law, and each and every such corporation which may hereafter exact deposits from consumers pursuant to said provision of law, be and the same are and shall hereby be required —

1. To keep a record of each deposit received, such record to be in accordance with the requirements of the Uniform Systems of Accounts prescribed by the Commission for Gas Corporations and Electrical Corporations, as set forth in the Account No. 357a, entitled "Consumers' Deposits," and reading as follows:

Credit to this account, as such deposits are made, all cash deposited with the corporation by consumers as security for the payment of (gas — electric) bills. Deposits refunded shall be charged to this account and credited to "Cash". Deposits applicable to uncollectible or worthless (gas — electric) bills shall, at the close of the fiscal year (or earlier, at the option of the accounting corporation), be credited to the account of the consumer involved and debited to this account.

2. To keep, in addition to the record prescribed in paragraph first above, and in such manner as each such corporation may elect, such other and further records as will show with respect to each deposit now on hand or hereafter received (*a*) the name of the consumer making the deposit; (*b*) the premises of the consumer at the time the deposit is made, and each successive premises occupied by the depositor so long as he remains a consumer or until the deposit with interest be refunded him; (*c*) the date of the deposit; (*d*) the amount of the deposit; (*e*) the interest accrued on the deposit at the end of each calendar year; and (*f*) a record of each transaction concerning such deposit; and such other information as each such corporation may deem necessary to a complete record of each deposit.

3. To keep, in addition to the records hereinabove prescribed, a card index which shall show at all times the name of each and every consumer, alphabetically arranged, from whom a deposit has been exacted and whose said deposit or a balance thereof is on hand, with appropriate reference on each card to the consumer's ledger account.

4. To allow and pay to every depositor legal interest: to wit, interest at the rate of 6 per centum per annum on the sum deposited for the time his deposit or any balance thereof shall remain with the corporation.

5. To render each depositor, when and as his deposit is applied to unpaid bills, a statement showing (*a*) the bill or bills in arrears and unpaid, (*b*) the amount thereof, (*c*) the amount of the deposit, together with the accrued interest, applied in payment thereof, and (*d*) the balance of the bills remaining unpaid or the balance of the deposit remaining to the depositor's credit, as the case may be.

6. To render such depositor, when and as his deposit may be refunded to him, a statement showing (*a*) the amount of the deposit, (*b*) the amount of the accrued interest from the date of the deposit, (*c*) the interest amounts paid, if any, (*d*) the amount of the deposit and interest refunded.

7. Each depositor upon ceasing to be a consumer shall have the right to withdraw his deposit and all accrued interest thereon upon surrendering his deposit certificate and payment of all bills for which the deposit is security. Such deposit shall not bear interest from and after the date the depositor ceases to be a consumer. Mere change of residence or of location of service is not to be deemed of itself to be such cessation.

8. To issue to every consumer from whom, on and after the 1st day of February, 1911, a deposit may be exacted, a certificate of deposit, for which shall be used a good quality of Scotch linen ledger paper of some distinctive color; and there shall be printed upon the face of said certificate in a conspicuous manner the following:

THIS RECEIPT IS NOT NEGOTIABLE OR TRANSFERABLE.

Six per cent interest is allowed on this deposit and will be paid annually upon demand. Payment for each calendar year ending December 31st to be made on or after the next succeeding February 1st upon such demand.

PRESERVE THIS RECEIPT TO BE SURRENDERED WHEN DEPOSIT IS RETURNED.

9. To keep on hand, for distribution to its customers, printed circulars, over its corporate or business name, such circulars to be entitled "TERMS AND CONDITIONS UPON WHICH CONSUMERS' DEPOSITS ARE EXACTED, HELD, AND MAY

Be Withdrawn"; and to contain under said title (*a*) the provisions in full of section 63 of the Transportation Corporations Law (chapter 219, laws of 1909), (*b*) the order herein of this Commission, (*c*) and such other terms and conditions under the heading "Rules of the Company" as such corporation may elect to prescribe in pursuance of paragraph seventh hereinabove. And every such corporation shall, on or before the 1st day of March, 1911, provide each consumer having a deposit with a copy of said circular. And every such corporation shall hereafter, prior to exacting a deposit, present a copy of said circular to the consumer or applicant for service from whom a deposit is demanded.

10. To provide reasonable ways and means, in such manner as every such corporation may elect, whereby a depositor who in good faith makes application for the return of his deposit and is entitled to the return of same, but who is unable to produce the original certificate of deposit or receipt, may not be deprived of his rights; provided he shall make affidavit to the effect that the original certificate has been lost or has disappeared, and bind himself, his executors or administrators, to reimburse the company for any costs or expense incurred by the company on account of the original certificate being presented for payment; and

It is further Ordered: That with respect to those certain requirements hereinabove prescribed, the method of complying with which is stated to be elective with each corporation, the Commission herein reserves the right to approve or disapprove of the specific methods employed as occasion may demand such action; and

It is further Ordered: That this order shall take effect the 1st day of February, 1911, and shall continue in force until changed or abrogated by this Commission.

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